board of supervisors, urging enactment of the Brownlow good-roads bill—to the Committee on Agriculture.

Also, petition of Outdoor Art League of California, urging the preservation of the big trees of California—to the Committee on Agriculture.

By Mr. SPARKMAN: Petition of citizens of Florida, against sale of liquor in Soldiers' Homes and Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Tampa (Fla.) Board of Trade, relative to the improvement of the rivers and harbors of the country—to the Committee on Rivers and Harbors.

By Mr. SPERRY: Papers to accompany bill H. R. 10086, for the relief of John Moriarty—to the Committee on Claims.

Also, resolution of the Connecticut Horticultural Society, in favor of preserving the big trees of California—to the Committee on Agriculture.

By Mr. STAFFORD: Resolution of Henry Bertram Post, No. 194, Grand Army of the Republic, Department of Wisconsin, relative to a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: Resolution of the New York Produce Exchange, relative to the inspection of grain by the Government at terminal markets—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the New York Produce Exchange, favoring deepening Harlem (Bronx) Kills channel—to the Committee on Rivers and Harbors.

Also, resolution of the Philadelphia Maritime Exchange, favoring arbitration treaties between the United States and foreign countries—to the Committee on Foreign Affairs.

By Mr. TRIMBLE: Papers to accompany bill H. R. 8417, for the relief of James S. Clark—to the Committee on War Claims.

Also, papers to accompany bill H. R. 8418, for the relief of Thomas H. Clay, administrator—to the Committee on War Claims.

By Mr. WARNOCK: Resolutions of Cantwell Post, No. 97, of Kenton, Ohio; Joseph Sailor Post, No. 440, of Degraff, Ohio; Eugene Reynolds Post, No. 441, Bellefontaine, Ohio; Carman Post, No. 101, of Ada, Ohio; W. A. Brand Post, No. 98, of Urbana, Ohio; Edgar Post, No. 102, of Dunkirk, Ohio; W. D. W. Mitchell Post, No. 593, of Byhalia, Ohio; Stoker Post, No. 54, of Findlay, Ohio, and Henry Harriman Post, No. 334, of West Mansfield, Ohio, Grand Army of the Republic, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: Paper to accompany bill for relief of David M. Foster—to the Committee on Pensions.

By Mr. WOODYARD: Resolution of Cleavenger Post, No. 93, Grand Army of the Republic, Department of West Virginia, relative to a service-pension bill—to the Committee on Invalid Pensions.

By Mr. WYNN: Resolution of the Chamber of Commerce of San Jose, Cal., relative to the proposed Lewis and Clark Exposition—to the Committee on Industrial Arts and Expositions.

SENATE.

TUESDAY, *January 19, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

RENTAL OF BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 17th ultimo, a statement showing the quarters and buildings rented by the War Department in the District of Columbia and the various States and Territories and the annual rental in each case; which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DELAWARE INDIAN LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 11th instant, papers and copies of the report of the Commission to the Five Civilized Tribes relative to the allotments of lands in the Cherokee Nation to the Delaware Indians; which, with the accompanying papers, was referred to the Select Committee on the Five Civilized Tribes of Indians, and ordered to be printed.

SCHOONER POLLY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Polly*, Richard Lakeman, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. BURROWS presented petitions of the Woman's Christian Temperance Union of Conway; of the congregation of the Jefferson Avenue Presbyterian Church, of Detroit; of the Home Missionary Society of the Jefferson Avenue Presbyterian Church, of Detroit, and of the Ladies' Aid Society of Bethel, all in the State of Michigan, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. HANSBROUGH presented a petition of the congregation of the Methodist Episcopal Church of Pembina, N. Dak., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. CULLOM presented resolutions of E. G. Trask Post, No. 388, of Chatsworth; of Isaac McManus Post, No. 446, of Keithsburg; of Royal Douglas Post, No. 179, of Prairie City; of W. S. Bryan Post, No. 284, of Neponset; of R. H. Graham Post, No. 312, of Moline; of F. S. Wham Post, No. 607, of Kell; of Martin Blaker Post, No. 245, of Jeffersonville; of Kilpatrick Post, No. 276, of Chicago; of Joseph Woodruff Post, No. 281, of Marseilles; of George W. Caine Post, No. 771; of Hazel Dell Post, No. 336, of Hazel Dell; of George W. Newitt Post, No. 398, of Franklin Grove; of Atlanta Post, No. 326, of Atlanta; of O. K. Hubard Post, No. 739, of Lyndon; of Ulysses S. Grant Post, No. 28, of Chicago; of Monroe Post, No. 100, of Casey; of Jacob E. Reed Post, No. 550, of Newton; of Frank Reed Post, No. 409, of Tuscola; of Kyger Post, No. 204, of Georgetown; of Major Lee Post, No. 277, of Rossville; of Alpheus Clark Post, No. 118, of Morrison; of H. W. Wood Post, No. 173, of McLean; of I. C. Puch Post, No. 481, of Dalton City; of John Musser Post, No. 365, of Orangeville, and of Cobden Post, No. 439, of Cobden, all of the Department of Illinois, Grand Army of the Republic, in the State of Illinois, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented the petition of Richard J. Beall, of Washington, D. C., praying for the enactment of legislation providing for the draining and arching of Rock Creek, in that city, in accordance with his estimate; which was referred to the Committee on the District of Columbia.

Mr. MCCUMBER presented a petition of the Village Improvement Association of Cranford, N. J., praying for the passage of the so-called pure-food bill; which was ordered to lie on the table.

Mr. ELKINS presented a petition of J. Elmore Evans Post, No. 77, Department of West Virginia, Grand Army of the Republic, of West Virginia, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperence Union of Fairmont, W. Va., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a memorial of the Grays Harbor Trades and Labor Council, of Aberdeen, Wash., remonstrating against the enactment of legislation relative to the payment of allotment in the coastwise trade; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Massillon, Ohio, and a petition of the Business Men's Club of Cincinnati, Ohio, praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. KEAN presented a petition of G. Van Houten Post, No. 3, Department of New Jersey, Grand Army of the Republic, of Jersey City, N. J., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the National Board of Steam Navigation of New York City, praying that an appropriation be made to deepen the channel connecting the Kill van Kull with New York Harbor near Liberty Island, west of Robbins Reef light; which was referred to the Committee on Commerce.

He also presented the petition of Isabel E. Murdock, of Riverton, N. J., and a petition of the congregation of the Old Tennent Presbyterian Church, of Tennent, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. LONG presented a petition of Silver Post, No. 85, Department of Kansas, Grand Army of the Republic, of Winfield, Kans.,

praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of Moundridge, Kans., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a memorial of sundry citizens of Ellinwood, Kans., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Kansas State Grange, praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Ogden, Kans., remonstrating against a continuance of the annual maneuvers of the Army on the military reservation at Fort Riley, Kans.; which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Gray County; of the congregation of the Presbyterian Church and Loyal Temperance League, of Caldwell; of the congregation of the United Presbyterian Church, and of the Young People's Christian Union of the United Presbyterian Church, of Lyndon, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. QUAY presented a petition of the Musical Club and the Historical Club of Towanda, Pa., and a petition of sundry citizens of Blairsville, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. PENROSE presented a petition of Philadelphia Division, No. 102, Order of Railroad Telegraphers, of Philadelphia, Pa., praying for the enactment of legislation to improve the condition of telegraphers in the United States Army; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of McKean County, Pa., praying for the enactment of legislation to prohibit the sale of liquors in Soldiers' Homes and all Government buildings; which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of New York, Florida, and Illinois, praying for the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Christian Temperance Union of Vandergrift; of the congregation of the Baptist Church of Flatwoods; of the congregation of the First Presbyterian Church of Northeast; of the Twentieth Century Club of Lansdown; of the Missionary Society of the Methodist Episcopal Church of Coudersport; of the Woman's Christian Temperance Union of Carlisle; of the congregation of the Grace Lutheran Church, of Leechburg; of the congregation of the Presbyterian Church of Laurel Hill, and of the congregation of the United Presbyterian Church of Laurel Hill, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BALL presented sundry papers to accompany the bill (S. 2052) for the relief of Samuel S. Weaver; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 1354) granting an increase of pension to John D. Woodward; which were referred to the Committee on Pensions.

Mr. MITCHELL presented petitions of the congregation of the Marshall Street Presbyterian Church, of Portland; of the congregation of the Grace Methodist Episcopal Church, of Portland; of the congregation of the First Cumberland Presbyterian Church of Portland; of the congregation of the Third Presbyterian Church of Portland; of the congregation of the First English Church of the Evangelical Association of Portland; of the centenary of the Methodist Episcopal Church of Portland, and of the congregation of the Fourth Presbyterian Church of Portland, all in the State of Oregon, praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Exposition, to be held at Portland, Oreg.; which were referred to the Select Committee on Industrial Expositions.

Mr. CARMACK presented a petition of sundry citizens of Saulsbury, Tenn., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. FAIRBANKS presented the petition of W. A. Swank, of Crawfordsville, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Merchants and Manufacturers' Association of Baltimore, Md., praying that an appropriation be made to deepen the main ship channel at that port from 30 to 35 feet; which was referred to the Committee on Commerce.

He also presented memorials of the Indiana Retail Merchants' Association, of Evansville; of the Indiana Retail Merchants' Association, of Greenfield, and of Harris Fitch, of Lawrenceburg, all in the State of Indiana, remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Loogootee, New Albany, Logansport, and Bethlehem, all in the State of Indiana, and of the National Union of Women's Organizations, of Philadelphia, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. HOPKINS presented petitions of Robert Anderson Post, No. 632, of Altamont; of Alfred Beriz Post, No. 492, of Andalusia; of Albion Post, No. 338, of Albion; of Charles Chalfield Post, No. 590, of Bath; of Cooling Post, No. 316, of Byron; of J. Vlerebome Post, No. 613, of Buffalo; of W. S. Hancock Post, No. 560, of Chicago; of Naper Post, No. 468, of Downers Grove; of David Hill Post, No. 532, of Elizabeth; of McCulloch Post, No. 475, of Earlville; of Mother Breckerdike Post, No. 492, of Edenburg; of George W. Hewitt Post, No. 398, of Franklin Grove; of Henry Hiller Post, No. 658, of Forreston; of Resaca Post, No. 478, of Genoa; of George Spalding Post, No. 60, of Genoa; of Post No. 373, of Grayville; of A. J. Smith Post, No. 779, of Hanna City; of W. J. Wylie Post, No. 377, of Illinois City; of Martin Baker Post, No. 245, of Jeffersonville; of Lucian Post, No. 410, of Kane; of W. J. Stephenson Post, No. 249, of Louisville; of Alpheus Post, No. 118, of Morrison; of T. S. Bowers Post, No. 125, of Mount Carmel; of Darveau Post, No. 329, of Morris; of Jordan Post, No. 535, of Macon; of A. M. Pollard Post, of Manito; of John A. Parrott Post, No. 543, of Prophetstown; of James P. Cowens Post, No. 219, of Pinckneyville; of John C. Ragan Post, No. 742, of Rockefeller; of Francis M. Lane Post, No. 247, of Ransom; of Colonel Harney Post, No. 131, of Rushville; of Carter Wright Post, No. 772, of Somonauk; of W. C. Baker Post, No. 551, of Stillman Valley; of Stuleville Post, No. 358, of Stuleville; of George Ralston Post, No. 688, of St. Elms; of Randolph Post, No. 93, of Tonica; of Downing Post, No. 321, of Virginia; of E. S. Kelly Post, No. 513, of Wheaton, and of Wauconda Post, No. 368, of Wauconda, all in the Department of Illinois, Grand Army of the Republic, in the State of Illinois, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of the National Union of Women's Organizations; of the Woman's Club of Rochelle; of the congregations of the Methodist Episcopal, United Brethren, and Presbyterian churches of Robinson; of sundry citizens of Lexington; of the congregation of the United Presbyterian Church of Chicago; of the congregation of the First Methodist Episcopal Church of Jefferson; of the Woman's Home Missionary Society of Evanston; of the congregation of the First Presbyterian Church of Peoria; of the congregation of the Presbyterian Church of Hinsdale; of the Woman's Home Missionary Society of Chicago, and of sundry citizens of Chicago, all in the State of Illinois, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. ALGER presented a petition of Albert Nye Post, No. 202, Department of Michigan, Grand Army of the Republic, of Michigan, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the congregation of the Jefferson Avenue Presbyterian Church, of Detroit, Mich., and a petition of the Home Missionary Society of the Jefferson Avenue Presbyterian Church, of Detroit, Mich., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. FRYE presented a petition of Bosworth Post, No. 2, Department of Maine, Grand Army of the Republic, of Portland, Me., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5197) granting an increase of pension to William C. Brown; and

A bill (H. R. 6004) granting an increase of pension to William C. Lyon.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1532) granting an increase of pension to Electa Allen;

A bill (S. 846) granting an increase of pension to Catharine W. Collins; and

A bill (H. R. 892) granting an increase of pension to Abram H. Hunt.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 2889) granting an increase of pension to John Beaird, reported it with amendments, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 2940) granting an increase of pension to Margaret Liddle, reported it with an amendment, and submitted a report thereon.

Mr. BALL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2155) granting an increase of pension to Charles W. Bechstedt;

A bill (H. R. 661) granting an increase of pension to Elizabeth E. Meckly;

A bill (H. R. 5177) granting an increase of pension to William H. Clark;

A bill (H. R. 957) granting an increase of pension to Alonzo Carpenter;

A bill (H. R. 616) granting an increase of pension to Sarah S. Chrysler; and

A bill (H. R. 942) granting an increase of pension to James F. Hardy.

CHARTS ON FOOD AND DIET.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 26) providing for the publication of 8,500 copies of a set of four charts on food and diet, to report it favorably without amendment, and I ask for its immediate consideration.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that there shall be printed in colors 8,500 copies of the set of four food and diet charts, after revision under the supervision of the Secretary of Agriculture, 4,000 copies for the use of the House, 2,000 copies for the use of the Senate, 2,000 copies for the use of the Secretary of Agriculture, and 500 copies for sale by the superintendent of documents.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMPILATION BY BUREAU OF INSULAR AFFAIRS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the compilation by the Bureau of Insular Affairs, reported the following order; which was considered by unanimous consent, and agreed to:

Ordered, That the compilation of the "Acts of Congress, treaties, and proclamations relating to insular and military affairs from March 4, 1897, to March 3, 1903," be printed as a document.

CUSTOMS APPRAISER AT PITTSBURG, PA.

Mr. PENROSE. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 6804) providing for the appointment of a customs appraiser at Pittsburg, Pa., to report it favorably without amendment, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It provides that there shall be in the customs collection district of Pittsburg, in the State of Pennsylvania, an appraiser, to be appointed by the President, by and with the advice and consent of the Senate, and with compensation at the rate of $3,000 per annum.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GALLATLY, HANKEY & CO.

Mr. PENROSE. On January 8 I introduced a bill (S. 3240) for the relief of Gallatly, Hankey & Co., which was referred to the Committee on Foreign Relations. I move that that committee be discharged from its further consideration, and that the bill be referred to the Committee on Claims.

The motion was agreed to.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 3547) to prohibit the use of the mails in the conduct of "chain coupon" or "chain investment" enterprises and similar schemes, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 3548) to execute the findings of the Court of Claims in the case of Mary L. Hawley, widow of Charles E. Hawley, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3549) to amend "An act to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service, and for other purposes," approved March 3, 1883;

A bill (S. 3550) granting an increase of pension to John G. Bridaham;

A bill (S. 3551) granting an increase of pension to Jeremiah Layser;

A bill (S. 3552) granting an increase of pension to Frank H. Wilson;

A bill (S. 3553) granting a pension to Sarah J. Cline;

A bill (S. 3554) granting a pension to Thomas F. Walter;

A bill (S. 3555) granting a pension to Elizabeth Clampitt (with an accompanying paper);

A bill (S. 3556) granting an increase of pension to Theodore P. Rynder;

A bill (S. 3557) granting an increase of pension to Joseph Reese; and

A bill (S. 3558) granting an increase of pension to William Moore.

Mr. ALGER introduced a bill (S. 3559) to amend the record of First Lieut. Henry P. Kinney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3560) granting an increase of pension to Linda Berry; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ALLEE introduced the following bills, which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3561) granting an increase of pension to Anna E. Draper; and

A bill (S. 3562) granting a pension to Margaretta J. Cullen.

Mr. ELKINS introduced a bill (S. 3563) granting an increase of pension to Susie G. Seabury; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3564) for the relief of the estate of Jacob J. Foreman, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCOMAS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3565) granting an increase of pension to Edgar Mumma;

A bill (S. 3566) granting a pension to Carrie E. Costinett;

A bill (S. 3567) granting an increase of pension to Sylvester Ramsey;

A bill (S. 3568) granting an increase of pension to Elias Bussard;

A bill (S. 3569) granting an increase of pension to John A. Chamberlain; and

A bill (S. 3570) granting a pension to Conrad Zang (with an accompanying paper).

Mr. DRYDEN. Several weeks ago I introduced by request a bill, Senate bill 2161, to deny the mails to fraudulent insurance companies. The bill has been under consideration by the Committee on Post-Offices and Post-Roads and by them was referred to the Post-Office Department for an examination. The Postmaster-General has made a revision of the bill and has returned it with a letter. I now introduce the revised bill and ask that it be referred to the Committee on Post-Offices and Post-Roads as a substitute for the original bill. I should also like to have the letter of the Postmaster-General printed.

The bill (S. 3571) to amend the act of September 19, 1890, entitled "An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes" (sections 3894 and 3929 of the Revised Statutes), and the first section of the act of Congress of March 2, 1895 (chapter 191), entitled "An act for the suppression of lottery traffic through national and interstate commerce and the postal service subject to the jurisdiction and laws of the United States" so as to apply the provisions of existing laws to letters, postal cards, circulars, pamphlets, and publications concerning any business of and contracts and policies of life, fire, or other insurance transmitted into any State, District, or Territory by concerns or persons not authorized to transact such business in the State, District, or Territory from which the same are transmitted, was read twice by its title, and, with the accompanying letter from the Postmaster-General, which was ordered to be printed, referred to the Committee on Post-Offices and Post-Roads.

Mr. BATE introduced a bill (S. 3572) for the erection of a public building at Morristown, Tenn.; which was read twice by its

title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3573) granting an increase of pension to Calvin E. Myers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 3574) for the relief of Henry P. Bottoms; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3575) granting an increase of pension to Samuel M. Anderson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3576) for the relief of the estate of William Grigsby, deceased;

A bill (S. 3577) for the relief of the estate of Lemuel Cox, deceased;

A bill (S. 3578) for the relief of M. E. Hall and the estate of James B. Hall, deceased;

A bill (S. 3579) for the relief of the estate of C. L. Davis, deceased;

A bill (S. 3580) for the relief of the estate of H. B. Henegar, deceased;

A bill (S. 3581) for the relief of the trustees of the Methodist Church of Prospect, Tenn.;

A bill (S. 3582) for the relief of George W. Webster;

A bill (S. 3583) for the relief of the estate of Alvin Barnes, deceased;

A bill (S. 3584) for the relief of I. J. Humphreys;

A bill (S. 3585) for the relief of the trustees of the Presbyterian Church at Strawberry Plains, Tenn.;

A bill (S. 3586) for the relief of the trustees of Mill Creek Baptist Church, of Davidson County, Tenn.;

A bill (S. 3587) for the relief of Hiram Lodge, No. 7, of Free and Accepted Masons, of Franklin, Tenn.;

A bill (S. 3588) for the relief of the trustees of Mill Creek Baptist Church, of Davidson County, Tenn.;

A bill (S. 3589) for the relief of the estate of N. T. Power, deceased;

A bill (S. 3590) for the relief of the trustees of the Cumberland Presbyterian Church, of Clarksville, Tenn.;

A bill (S. 3591) for the relief of the trustees of the Cumberland Presbyterian Church, of Charleston, Tenn.;

A bill (S. 3592) for the relief of the trustees of the Methodist Episcopal Church South, of Chattanooga, Tenn.;

A bill (S. 3593) for the relief of the estate of J. H. Frith, deceased;

A bill (S. 3594) for the relief of James J. Crunk; and

A bill (S. 3595) for the relief of the estates of Asa Faulkner, deceased; Lewis L. Faulkner, deceased, and S. B. Spurlock, deceased.

Mr. TELLER introduced a bill (S. 3596) to amend section 2327 of the Revised Statutes of the United States, concerning mineral lands; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Mines and Mining.

Mr. GALLINGER (for Mr. GIBSON) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 3597) for the relief of Vincenzo Gerardi, of Washington, D. C.; and

A bill (S. 3598) for the relief of holders and owners of certain District of Columbia special-tax scrip.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (by request) (S. 3599) to require the use of closed and heated street cars in the District of Columbia; and

A bill (S. 3600) to provide for the removal of snow and ice from the sidewalks of the District of Columbia, and for other purposes.

Mr. CULLOM introduced a bill (S. 3601) to correct the military record of David Horner; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3602) granting a pension to Johanna Callahan;

A bill (S. 3603) granting a pension to Howard Franklin; and

A bill (S. 3604) to restore pension to Sarah A. Fugett.

Mr. CULLOM introduced a bill (S. 3605) for the relief of Mahala C. Carter; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUAY introduced a bill (S. 3606) granting an increase of pension to James F. Dampman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 3607) making appropriations for the removal of the quarantine station at San Diego, Cal., and to acquire a new site, and for other purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BURROWS introduced a bill (S. 3608) granting an increase of pension to Anson R. Hodgkins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 3609) to amend an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3610) to amend an act entitled "An act to increase the pensions of certain soldiers and sailors who are totally helpless from injuries received or diseases contracted while in the service of the United States," approved March 4, 1890; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3611) to amend an act entitled "An act to amend an act entitled 'An act granting the right to the Omaha Northern Railway Company to construct a railway across and establish stations on the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes,' by extending the time for the construction of said railway," by a further extension of time for the construction of said railway; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MITCHELL introduced a bill (S. 3612) for the relief of the estate of Shedrack D. Northcutt and S. T. Northcutt on account of Indian depredations; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Depredations.

He also introduced a bill (S. 3613) to prohibit the employment of aliens on public works in the Territory of Hawaii; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

He also introduced a bill (S. 3614) for the relief of the heirs of Margaret Kennedy; which was read twice by its title, and referred to the Committee on Claims.

Mr. OVERMAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3615) granting an increase of pension to Francis S. Miller;

A bill (S. 3616) granting an increase of pension to Frances E. Plummer; and

A bill (S. 3617) granting a pension to G. W. Gosnell.

Mr. BAILEY (by request) introduced a bill (S. 3618) for the relief of Mrs. Mary McDonald, widow of John McDonald; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAIRBANKS introduced a bill (S. 3619) granting a pension to Elizabeth B. Yount; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3620) granting a pension to David Rankin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3621) for the relief of Rufus Neal; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 3622) for the relief of Lincoln W. Tibbetts; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 3623) for the relief of the legal representatives of Alvin M. Ryerson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 3624) granting an increase of pension to Peter D. Moore; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 3625) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was read twice by its title, and referred to the Committee on Territories.

Mr. PROCTOR introduced a bill (S. 3626) to regulate the employment of officers of the Army on the retired list, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. CLAPP submitted an amendment intended to be proposed by him to the bill (S. 3458) granting pensions to certain soldiers who served in the war of the rebellion, and their widows; which

was referred to the Committee on Pensions, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (S. 3546) relating to proofs under the homestead laws, and to confirm such proofs in certain cases when made outside of the land district within which the land is situated; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $250,000 for the construction, under the direction of the Secretary of War, of a wagon road from Valdez by the most practicable route to Fort Egbert or Eagle, on the Yukon River, in the district of Alaska, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Territories, and ordered to be printed.

Mr. SCOTT submitted an amendment providing that the compensation of the chief of the internal-revenue agents shall not exceed $10 per day, and of the other internal-revenue agents not to exceed $8 per day each, to be fixed by the Commissioner of Internal Revenue, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. FRYE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers accompanying Senate bill 6953, Fifty-seventh Congress, first session, to increase the pension of James M. Sherman, there having been no adverse report on the bill.

HEARINGS BEFORE COMMITTEE ON INTERSTATE COMMERCE.

Mr. ELKINS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interstate Commerce be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the hearings and bills printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

CLERK IN SENATE POST-OFFICE.

Mr. BURTON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant-at-Arms of the Senate be authorized to employ one clerk in the Senate post-office at a compensation of $1,200 per annum, to be paid out of the contingent fund of the Senate until otherwise provided by law.

THE RED CROSS SOCIETY.

Mr. DANIEL submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved by the Senate, That the Secretary of State be, and he is hereby, directed to inform the Senate whether or not the Department of State has made the following or similar inquiries of foreign governments respecting the Red Cross Society, and, if so, to further inform the Senate what replies, if any, have been received to said inquiries, viz:

1. What financial support, if any, does the government give to the Red Cross Society?
2. Does the government appoint any of the officials or directors of the Red Cross Society?
3. How is the society organized in respect to its equipment for active field work?
4. How is the executive and office staff organized?
5. What sources of income and revenue other than the government provides?
6. How are its accounts kept and audited?
7. What check, if any, is provided to protect the funds of the society against carelessness and dishonesty on the part of its agents in the field?
8. What is the extent and character of government supervision respecting the organization, finances, and work of the society?
9. Has the society the confidence of the leading people of the country?
10. Does it receive valuable money contributions from private sources?

FORESTRY LANDS IN MINNESOTA.

Mr. NELSON. I ask unanimous consent for the immediate consideration of the bill (S. 1558) to grant to the State of Minnesota certain vacant lands in said State for forestry purposes.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with amendments, in line 5, after "thirty-four," to insert the word "north;" and in line 6, after the word "twenty-nine," to insert "west, fifth principal meridian;" so as to make the bill read:

Be it enacted, etc., That the northwest quarter of the northwest quarter and the southeast quarter of the southwest quarter (eighty acres, more or less) of section 6, township 134 north, range 29 west, fifth principal meridian, being vacant public land adapted for forestry purposes and adjoining a forest reserve belonging to the State of Minnesota, be, and the same is hereby, granted to said State of Minnesota for forestry purposes; but this act shall not prejudice any right to any of said land that may have been acquired by any other party previous to its passage.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SETTLERS ON SHERMAN COUNTY, OREG., LANDS.

Mr. MITCHELL. I should like to ask the unanimous consent of the Senate to proceed to the consideration of the bill (S. 277) for the relief of settlers on lands in Sherman County, in the State of Oregon. It is a local measure of importance to citizens of my State.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate and ascertain the reasonable value, respectively, of the lands settled upon and heretofore claimed by the respective persons whose names are set out in full in Senate Document No. 8, second session Fifty-sixth Congress, and in Senate Document No. 240, first session Fifty-seventh Congress, and in which documents are also specifically stated an accurate description of the lands claimed by each of such persons, respectively, and such other persons who settled upon and improved said lands after their restoration to entry by order of the Secretary of the Interior, but who were unable to get their claims of record, and whose names do not appear in the two executive documents hereinbefore named, all of said lands being in the county of Sherman, in the State of Oregon.

And it shall be, and is hereby, made the duty of the Secretary of the Interior to investigate and ascertain the names, respectively, of all settlers who entered on said lands and settled upon the same, and the value of the different classes as hereinafter specified of all of said lands and improvements as follows: First, in all cases where said settlers have been dispossessed of their lands it shall be the duty of the Secretary of the Interior to ascertain the reasonable value of such lands, respectively, as of the date of the ouster of such settlers, respectively, from said lands by either The Dalles Military Wagon Road Company or the Eastern Oregon Land Company, successor in interest to The Dalles Military Wagon Road Company, in pursuance of the judgment and decree of the Supreme Court of the United States affecting the title to said lands; and it is hereby made the duty of the Secretary of the Interior to ascertain the dates, respectively, when such settlers, or any of them, first made settlement upon said lands, and also to ascertain the dates when they or either of them were, respectively, dispossessed of their lands; and in all cases where any of such settlers are still in the possession of the lands so claimed by them, respectively, the reasonable value of the same and the improvements thereon shall be determined by the Secretary of the Interior as of the date of the passage of this act.

And it is hereby made the duty of the Secretary of the Interior to ascertain whether any of such settlers, and if so, their names, respectively, have since the date of the decision of the Supreme Court of the United States, hereinbefore referred to, purchased from said Dalles Military Wagon Road Company or the Eastern Oregon Land Company their right to the lands so settled upon, the dates of such purchases, respectively, a description of the lands so purchased, and the amount of money or other compensation paid, respectively, by each thereof to said wagon-road companies or either of them.

SEC. 2. That it shall be further the duty of the Secretary of the Interior to ascertain the names of all persons who made entries of said lands under the provisions of section 3 of the act of September 29, 1890 (26 Stat., p. 496), and the amendments thereto, and a description of the lands so entered, respectively, and to ascertain the value of the improvements made thereon by such entrymen, respectively, between the date of the restoration of said lands to entry and the date of ouster, or, in the event there has been no ouster, then as of the date of the passage of this act.

SEC. 3. That it shall be the duty of the Secretary of the Interior further to ascertain for what price and on what terms the Eastern Oregon Land Company, successor in interest of The Dalles Military Wagon Road Company, would relinquish to the settlers the lands claimed by them, respectively, together with the improvements thereon.

SEC. 4. That it is hereby made the duty of the Secretary of the Interior to make a full and specific report to Congress, on or before the first day of the next session, in pursuance of the jurisdiction and duties imposed on him by this act.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PLATT of Connecticut. Is there a report, Mr. President?

Mr. MITCHELL. There is a report, I will state to the Senator from Connecticut. It is somewhat lengthy.

Mr. PLATT of Connecticut. Will the Senator give some explanation of the bill?

Mr. MITCHELL. The bill was reported unanimously from the Committee on Public Lands in the last Congress, and it passed the Senate. It has been again reported unanimously by the committee at the present session.

In brief the case is this: There are about 100 settlers upon these lands. The lands claimed by them were included within the limits of two land grants made by Congress, one to the Northern Pacific Railroad Company and the other to The Dalles Military Wagon Road Company. Subsequently Congress declared forfeited the lands granted to the Northern Pacific Railroad Company. A question then arose whether the rights of the wagon-road company attached or whether the lands were open to settlement. The Department of the Interior held that the lands were open to settlement and so declared. It invited settlers to go on the lands. These hundred settlers, or about that number, went on the lands many years ago and made valuable improvements. They cultivated the land and supposed there was no question as to the legality of their title.

Subsequently the assignees of the wagon-road company contended that the rights of the wagon-road company attached on the forfeiture of the grant to the Northern Pacific. They went into the courts. Finally the case went to the Supreme Court of the United States, and their contention was sustained by the Supreme Court, the result of which is to deprive all these settlers of their land. Many of them have been ousted. Some of them are still in possession, and one purpose of this bill is to get information as to the number of settlers, the value of the improvements made, and of the lands held by each.

Mr. PLATT of Connecticut. It does not carry any appropriation?

Mr. MITCHELL. It carries no appropriation whatever. It simply authorizes the Secretary of the Interior to ascertain the facts so that the case can be considered later on by Congress. It provides for a departmental ascertainment of all necessary facts to enable Congress to make compensation to each settler for all losses incurred.

Mr. SPOONER. What is the nature of the facts to be ascertained by the Secretary of the Interior?

Mr. MITCHELL. The nature of the facts to be ascertained is, first, a description of the lands taken up by each settler, the value of the lands, the time the same were occupied, respectively, and the value of the improvements and the status of the whole business. The Secretary of the Interior is also by the bill directed to inquire into the question as to whether the assignees of the wagon-road company, who now hold the lands under the decision of the Supreme Court, are willing on any terms, and, if so, on what terms, to surrender the lands with the improvements to the settlers.

Mr. SPOONER. Does the Senator propose any measure of relief in connection with the bill?

Mr. MITCHELL. The relief I have stated; an appropriation will come later.

Mr. SPOONER. Ought it not to come now?

Mr. MITCHELL. I think it ought; but it was the judgment of the committee that these facts should be first ascertained, to the end that Congress could the better determine as to the precise and proper measure of relief or compensation to be meted out in each case.

Mr. SPOONER. This bill in part, affording a very small measure of relief, was passed by the Senate in the last Congress. It was recommended by the Interior Department, and it included also the case of the settlers on the Wisconsin Central grant in Wisconsin. The relief which the bill provided was contemptible, under all the circumstances, for a government like this to afford to its citizens.

I should be very glad if the Senator would let the bill go over until to-morrow. I do not antagonize it, and if he prefers that it shall be considered and passed upon to-day, I will make no objection, but I should like to include in this investigation the settlers on the Wisconsin Central grant, and I should like to couple with it, contingent upon the finding of the facts by the Department of the Interior, some decent measure of relief to the Oregon settlers and to the Wisconsin settlers.

Mr. MITCHELL. I should be very glad to consent to the wish of the Senator from Wisconsin. I do not wish, however, to take a position here that would seem to be antagonistic to the position taken by the committee. The bill to which the Senator refers, to which a provision for the relief of the Wisconsin settlers was attached, was not this bill, but a House bill, and was wholly inefficient. The bill now under discussion passed the Senate in its present form, containing no provision for the relief of settlers on the Wisconsin grant. This measure was very fully discussed before the committee, and I think the committee have gone as far as they are willing to go at this time.

Mr. SPOONER. The committee at the last Congress simply gave a right to the settlers in Oregon and the settlers in Wisconsin to select other lands of the Government in lieu of the lands of which they had been deprived.

Mr. MITCHELL. That was not the same bill, but an entirely different bill—a House bill.

Mr. BERRY. Mr. President, the Senator from Wisconsin is mistaken. I do not know what was done in regard to Wisconsin lands. This bill, however, as originally introduced by the Senator from Oregon provided that upon the finding of the facts a sufficient amount of money should be appropriated and the settlers should be paid. The committee was not willing to agree to it in that shape, and the Senator from Oregon consented that the finding of all the facts should be reported to Congress, and also that the Department should ascertain upon what terms the assignees of the road would relinquish to these settlers their homes and to report that fact also. As a matter of course, when the facts are reported, it is expected that Congress will make the appropriation and do what is just about it. But that is what was done by the committee. The committee declined to agree to the proposition to make the appropriation now or to authorize a payment to be made by the Secretary upon the finding of facts to justify it. If there was anything about Wisconsin lands added to it I know nothing about that. It was not in the original bill.

Mr. MITCHELL. It was not in this bill, I will state to the Senator from Wisconsin. It was in another bill—a House bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SPOONER. I do not object.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORESTRY LANDS IN NORTH DAKOTA.

Mr. HANSBROUGH. I ask for the present consideration of the bill (S. 371) granting to the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to grant to the State of North Dakota 30,000 acres of the unappropriated public lands within that State, to be selected by the proper authorities thereof, to aid in the maintenance of a school of forestry, which institution has been established by the legislature of said State and located at the village of Bottineau. But in case of the discontinuance of the school the lands so selected shall revert to the United States.

The bill was reported to the Senate without amendment.

Mr. PLATT of Connecticut. I should like to inquire of the Senator from North Dakota whether, if this bill passes, the irrigation fund loses the advantage of the 30,000 acres?

Mr. HANSBROUGH. I suppose that if the bill did not pass the lands which we expect to take under the bill would be taken under the general laws and converted into cash. The irrigation fund would lose to that extent, but I think it would be a very small loss, and one not to be considered in view of the purpose of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VERMONT STATE CLAIMS.

Mr. PROCTOR. I ask that the bill (S. 113) to enable the Secretary of the Treasury to pay the State of Vermont money appropriated by the act of Congress of July 1, 1902, and to adjust mutual claims between the United States and the State of Vermont, be now taken up.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

To enable the Secretary of the Treasury to pay the State of Vermont the sum appropriated to that State under the act of Congress of July 1, 1902, or such part thereof as it may be entitled to, it authorizes and directs the accounting officers of the Treasury Department to audit, adjust, and settle the mutual claims of the United States and the State of Vermont in respect to ordnance and quartermaster's stores furnished in the years 1864 and 1865, and on payment a receipt in full shall be taken from the proper State authorities.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SURETIES OF FRANK A. WEBB.

Mr. BALL. I ask unanimous consent for the present consideration of the bill (S. 1352) for the relief of Lindley C. Kent and Joseph Jenkins as the sureties of Frank A. Webb.

The Secretary read the bill, as follows:

Be it enacted, etc., That Lindley C. Kent and Joseph Jenkins, sureties upon the bond of Frank A. Webb for the faithful performance of his contract for the construction, erection, and delivery of buildings for the new Port Penn light station, Delaware (fourth light-house district), having, by failure on the part of said Webb, been obliged to complete said contract themselves for said Webb, but at their own expense, and having by such unexpected failure of said contractor not only been put to great extra cost in such work, but also been, by the terms of the contract, subjected to a very heavy penalty for delayed completion of the work, due to the said Webb's failure and not to any fault of their own, a penalty far in excess of the actual extra expense thereby caused to the United States, be, and they are hereby, released from so much of said penalty as is in excess of the actual extra expense to the United States by reason of said delays; and that the engineer of the fourth light-house district be, and he is hereby, authorized and directed to pay to the said Lindley C. Kent and Joseph Jenkins the unpaid balance of the full amount of said contract, less the aforesaid actual extra expense to the United States by reason of said delays: *Provided, however*, That such payment shall not be made until said engineer is satisfied that all materials used and all labor employed in the construction of said buildings have been duly paid for.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SPOONER. I should like to inquire how much is involved in the bill?

Mr. BALL. Only about eleven hundred dollars. There were seventy-seven days' overtime charged at the rate of $20 per day, which came to about $1,500. The extra expense to the Government amounted to $419.83.

Mr. SPOONER. Has it been referred to the proper Department of the Government?

Mr. BALL. It has. A similar bill passed the Senate in the Fifty-sixth and Fifty-seventh Congresses.

Mr. SPOONER. A good many things have passed the Senate; but has the bill been referred to the proper Department of the Government for a report?

Mr. BALL. I think so.

Mr. NELSON. Will the Senator from Delaware yield to me?

Mr. BALL. Certainly.

Mr. NELSON. I wish to make a statement. This bill was twice reported from the Committee on Commerce in previous Congresses, and it passed the Senate twice. It is to release certain sureties. The man they were sureties for was to construct buildings for a light station and failed to do it. The sureties went on and completed the work, but they were delayed in consequence of his delinquency. It is simply a bill to relieve them from penalty, and not otherwise.

Mr. SPOONER. Has the Senator examined it carefully?

Mr. NELSON. I have examined it, and it meets the approval of the Department.

Mr. SPOONER. Very well.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRACTICE OF DENTISTRY IN THE DISTRICT.

Mr. STEWART. I ask unanimous consent for the present consideration of the bill (S. 2795) to amend an act entitled "An act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto," approved June 6, 1892.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on the District of Columbia with an amendment, after the word "act," in line 8, to insert:

And inserting in lieu thereof the following: "*Provided*, That the board of dental examiners may issue a license to practice to any dentist who shall have been in legal practice for a period of five years or more, upon the certificate of the board of dental examiners of the State or Territory in which he practiced, certifying his competency and moral character, and upon the payment of the certification fee without examination as to his qualifications."

So as to make the bill read:

Be it enacted, etc., That the act of Congress entited "An act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto," approved June 6, 1892, be, and the same is hereby, amended by striking out all of the proviso in section 3 of said act and inserting in lieu thereof the following: "*Provided*, That the board of dental examiners may issue a license to practice to any dentist who shall have been in legal practice for a period of five years or more, upon the certificate of the board of dental examiners of the State or Territory in which he practiced, certifying his competency and moral character, and upon the payment of the certification fee without examination as to his qualifications."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIFE-SAVING STATION ON COAST OF WASHINGTON.

Mr. FOSTER of Washington. I ask unanimous consent for the consideration at this time of the bill (S. 347) providing for the establishment of a life-saving station in the vicinity of Cape Flattery or Flattery Rocks, on the coast of Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GRANT OF LAND TO UNIVERSITY OF MONTANA.

Mr. GIBSON. I ask unanimous consent for the immediate consideration of the bill (S. 121) granting additional lands adjacent to its site to the University of Montana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to grant to the University of Montana the following-described land lying within Missoula County, Mont., and adjacent to the site of the university, namely: The south half of section 26; the south half of the northeast quarter and the south half of the northwest quarter of section 26; the east half of the southeast quarter of section 27; all situated in township 13 north and range 19 west, the same to be used for a site for an observatory for said university.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POST-OFFICE DEPARTMENT INVESTIGATION.

The PRESIDENT pro tempore. The Chair lays before the Senate the several resolutions relative to an investigation of the Post-Office Department and the amendments offered thereto. The pending question is on the motion to refer the resolution and the proposed amendments to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

CHANGE OF NAME OF MADISON STREET.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 2133) to change the name of Madison street to Samson street.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That from and after the passage of this act the minor street passing through squares Nos. 156, 180, 194, and 209, lying between P and Q and Fourteenth and Eighteenth streets, in the District of Columbia, and known by the names of Madison, Samson, and Sampson, shall hereafter be known and designated as Samson street.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 819) to quitclaim all interest of the United States of America in and to all of square 1131, in the city of Washington, D. C., to Sidney Bieber;

A bill (H. R. 3584) to authorize the subdivision of lots or blocks in the District of Columbia;

A bill (H. R. 6289) to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes;

A bill (H. R. 7023) to amend an act to regulate the height of buildings in the District of Columbia;

A bill (H. R. 9292) in relation to business streets in the District of Columbia; and

A bill (H. R. 9311) in relation to the establishment of building lines in the District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 6) granting a pension to Cora M. Converse;

A bill (S. 7) granting an increase of pension to Alfred Woodman;

A bill (S. 8) granting an increase of pension to Perry Kittredge;

A bill (S. 11) granting a pension to John L. Sullivan;

A bill (S. 65) granting an increase of pension to Charles R. Allen;

A bill (S. 112) granting an increase of pension to Henry G. Hammond;

A bill (S. 137) granting a pension to Hannah Kelly;

A bill (S. 172) granting an increase of pension to Elizabeth McClaren;

A bill (S. 215) granting a pension to Mary D. Perry;

A bill (S. 338) granting an increase of pension to Jane M. Watt;

A bill (S. 339) granting an increase of pension to Ebenezer H. Richardson;

A bill (S. 367) granting an increase of pension to George W. Richardson;

A bill (S. 368) granting an increase of pension to Charles M. Wilcox;

A bill (S. 1604) granting an increase of pension to Mary A. Bishop;

A bill (S. 1652) granting an increase of pension to Minerva A. McMillan;

A bill (S. 1704) granting an increase of pension to Lucretia Ritchhart;

A bill (S. 1755) granting an increase of pension to Thomas Banks;

A bill (S. 1756) granting an increase of pension to Zebedee M. Cushman;

A bill (S. 1772) granting an increase of pension to Louise K. Bard;

A bill (S. 1819) granting an increase of pension to Charles P. Skinner;

A bill (S. 1832) granting an increase of pension to George W. Herron;

A bill (S. 1913) granting an increase of pension to Lorenzo E. Harrison;

A bill (S. 1929) granting an increase of pension to George W. Spahr;

A bill (S. 1952) granting an increase of pension to John Monahan;

A bill (S. 1984) granting an increase of pension to Levi Roberts;

A bill (S. 1985) granting an increase of pension to Jonathan Hites;

A bill (S. 2078) granting an increase of pension to Hampton C. Watson;

A bill (S. 2125) granting an increase of pension to Marcus T. Caswell; and

A bill (S. 2218) granting an increase of pension to Amanda B. Tisdel.

RELATIONS WITH NEW GRANADA OR COLOMBIA.

Mr. PLATT of Connecticut. Mr. President, are not the resolutions relating to the Panama affair in order at this time?

The PRESIDENT pro tempore. They are.

Mr. PLATT of Connecticut. The Senator from Wisconsin [Mr. QUARLES] has the floor, and I believe he is ready to proceed.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution known as the Gorman resolution, which will be stated.

The SECRETARY. Senate resolution 73, by Mr. GORMAN, calling upon the President for certain information touching former negotiations of the United States with the Government of New Granada or Colombia, etc.

Mr. QUARLES. Mr. President, I do not rise to make a set speech, but to submit some observations continuing the debate which has been going on here now for some time on this resolution. I think that what has happened here in the last few days has vindicated the practice and tradition of the Senate, and has demonstrated that a running debate is more apt to reach the very meat of a question than a stilted style of formal address, which would be dislocated and marred by interruption.

If I mistake not, Mr. President, we have made some progress by this discussion, and in the heat and attrition of debate some questions have been almost settled, and I doubt whether they will be made the subject of discussion hereafter.

At the outset it was contended that the Government of the United States had intervened in the affairs of a republic with whom we are at peace, and that prior to the recognition of sovereignty of the new government the United States had taken such measures as were not justified by international law with reference to a power that was at peace with us; but when that question was opened up in discussion, it was found that the only subject of criticism on the part of the diplomatic branch of our Government was the inditing of a dispatch which never reached its destination in time to affect proceedings on the Isthmus.

Up to the time of the recognition of this new government, there was no intervention; there was no unfriendly act; there was nothing done, Mr. President, as this debate has disclosed, except what was a plain duty, namely, to send ships to the Isthmus for the protection of American interests at a time when it was expected that there would be a revolution. Troops of Colombia did land, and they were met and overcome in a characteristic way by the provisional government.

It is the duty of every commanding officer to find out the weak spot in the enemy's line, and the provisional government succeeded in doing that in this instance. It knew the weak spot in that Colombian force. It knew that the soldiers of Colombia, like the politicians of Colombia, were suffering with an itching palm, and it took advantage of that weakness. Some $8,000 being forthcoming, the martial zeal and ardor of the 400 Colombian troops evaporated, and they withdrew as effectually as though they had all been killed. So that shortly after this Government had raised its flag there was no hostile force anywhere upon the Isthmus. The provisional government was in control of the territory of Panama to all intents and purposes. It had the loyal adherence of every subject on that Isthmus, and that is one of the tests of international law. It was there in supreme command, having the loyalty and allegiance of all the people, and not a hostile force anywhere in sight—a conclusive test, as my colleague [Mr. SPOONER] suggests. So I doubt whether that proposition will be again asserted on this floor as an objection to the procedure of this Government.

Then it was contended, sir—and the press participated largely in that discussion—that the President had been recreant to his legal duty under the Spooner amendment; that he had openly violated the law in not promptly making a determination of that great alternative regarding the most important enterprise that this nation has entered upon for many years. But when that subject was considered in debate it became obvious that the President did what under his oath he was obliged to do.

There was no intervening time between the end of negotiations in Colombia and the assembling of Congress—practically no interval. Those negotiations were carried on after the rejection of the treaty at Bogota, the Government of Colombia constantly holding out to us the hope that this matter would be taken up afresh, until the time arrived when the Congress of the United States, intrusted by the Constitution with the determination of this question, should meet. And I believe, Mr. President, that, as the result of this debate, the presentation and discussion of the papers and documents and correspondence has forever set at rest that question, and it will not again be asserted here that the President of the United States transgressed the law, violated his oath, or failed to discharge any duty that was incumbent upon him under the terms of the Spooner amendment or that he did more than display a wholesome respect for the prerogative of Congress.

CONSTRUCTION OF THE TREATY OF 1846.

This brings us, then, Mr. President, to another question which has been mooted here and only briefly discussed, and that is a construction of the treaty of 1846 and what obligation it imposed upon this Government. It has been stated correctly that this treaty contained a grant to this Government which was of great value, and we find by reference to the treaty this language:

> The Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, etc.

Mr. President, what does it mean when one sovereign nation by a compact of that kind agrees that another sovereign nation shall have an open, free transit and right of way across its territory? That a sovereign nation has a right to enter into such a compact there is no doubt, because the law writers all agree that any government may yield so much of its sovereignty over its territory as to permit another power to come in and enjoy privileges or discharge duties therein, which they say is known in international law as a servitude. It is like the common law easement, and is just as efficacious as between these two nations as an agreement on my part for a right of way across an 80-acre tract that I own. There is only this difference, Mr. President, that when that servitude is created by one nation in favor of another it is presupposed and understood that the grantee of that easement will enter upon, improve, and effectuate that right to transit by proper and efficacious means to improve that right of way for its use and occupancy.

Therefore it was contemplated, Mr. President, that whenever the United States Government felt disposed to avail itself of that right of way the Government of New Granada and its successor, the Colombian Government, was under obligation to effectuate and perfect and make more definite that right of way by fixing appropriate boundaries, delimitations, and the other details which would be necessary in such a case.

My friend the Senator from Colorado [Mr. TELLER], while discussing this document the other day, said there was no mention in this easement of any canal and that it was not contemplated then that a canal should be built. Well, Mr. President, I would only remind the Senate of the condition of affairs there in 1846. The Chagres River was navigable then by flatboats from Colon to Cruces, and those boats were propelled by natives with poles. That was the only means of intercommunication in 1849, when our people were rushing to the gold fields of California, by which that territory could be traversed as far as Cruces.

NOT TRESPASSERS ON THE ISTHMUS.

From Cruces to Panama there was a highway. That highway was built four hundred years ago by the old Spaniards. It was a magnificent road. It was like those Roman roads that were made in the old days, and the impulse that built it came from Spain. Such were the crude methods of transit at the time when this treaty was entered into. Of course this people had never then risen to the grand conception of the magnificent international enterprise which is now familiar to us, but this treaty industriously expresses the idea that, whatever modes of communication may be hereafter adopted, the Government of the United States shall have the right, flowing from that servitude, to make such improvements.

So, Mr. President, when we go across that Isthmus we are not trespassers, but we have that servitude, which is a definite grant creating vested rights, just as the man who takes my agreement for the right of way across my 80 acres. It is not defined; its limits are not fixed; but it is a binding, definite easement, which creates a dominant estate over my land, and when I have put that in my deed I have obligated myself at any proper time to proceed and fix the limits of that right of way.

It appears from the message of President Polk and accompanying papers, when the treaty of 1846 was laid before Congress, that a canal across the Isthmus was then within the contemplation of the high contracting parties.

In that message President Polk used this language:

> In entering into the mutual guaranties proposed by the thirty-fifth article of the treaty neither the Government of New Granada nor that of the United States has any narrow or exclusive views. The ultimate object as presented

by the Senate of the United States in this resolution to which I have already referred is to secure to all nations the free and equal right of passage over the Isthmus.

Later on in the message he said:

The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations. Besides, such a guaranty is almost indispensable to the construction of a railroad or canal across the territory. (Doc. No. 17, 58th Cong., 1st sess., pp. 14 and 15.)

It also appears from a dispatch from Mr. Bidlack, our minister, to Mr. Buchanan, dated December 9, 1846, (same document, p. 22) that Mr. Mallarino, the minister of New Granada, having in charge the project of this treaty, thus spoke of the proposed right of way to the United States:

If the Granadian Government abolished the differential duties and ceded to the United States the right of way across the Isthmus, he presumed the United States would guarantee to New Granada the Isthmus or at least as much of it as was required for the construction of a canal or railroad upon the most favorable route, and, moreover, it was important that this guaranty should appear in the treaty as a condition for the right of way, etc.

In the minds of the diplomats who framed this treaty the right of way to the United States was regarded as a grant based upon good consideration and not a mere license resting on courtesy or comity.

That is the situation, Mr. President, in which we stand under this treaty, so far as our rights of transit are concerned. There is very little difference, I apprehend, in the construction of that treaty so far as the guaranty that we gave in consideration in part for that servitude. We are guarantors, Mr. President. Now, a guaranty is a collateral obligation. A guaranty can not stand alone. There must be a primary obligation to which the guaranty is attached. That primary obligation rested upon New Granada. New Granada was the "first promisor," to use the term of some of the diplomatic papers that I find coming from New Granada. New Granada and Colombia were bound in the first instance, as the primary obligors, for the enforcement of tranquillity along this line of transit, and the United States stood as a guarantor, agreeing that we would enforce the obligation under certain conditions. To that extent there is in the diplomatic interchange that has taken place no difference of opinion.

But, Mr. President, we come now to a point where there is a serious difference of opinion in construction. It is contended now by the Colombian Government for the first time that our guaranty of the sovereignty of New Granada, and, later, Colombia, compelled us to defend that Government against an insurrection of its own citizens.

The Senator from Colorado yesterday read with approval a portion of an article written by Mr. Moorfield Storey. If you will examine that article, you will see that the very pivotal point in it is that we were, under that treaty, obliged to defend the sovereignty of Colombia against her own people; that whenever that sovereignty was assailed by a rebellion it was our duty to come to the rescue of the parent Government; that we have been guilty of a flagrant neglect of that treaty, and, instead of defending the parent Government, we have confederated with the insurgents to bring about the independence of the Republic of Panama.

Mr. DANIEL. Will the Senator allow me?

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from Wisconsin yield to the Senator from Virginia?

Mr. QUARLES. With pleasure, sir.

Mr. DANIEL. I do not recall having heard any Senator declare that it was the duty of the United States to enforce the sovereignty of the Colombian Government against the insurgents. On the contrary, I understand our Government has never construed the treaty to mean that. I apprehend that the Senator must be mistaken in saying that this side has so contended. I never heard any Senator state that proposition, and if anyone has done so I should be glad to have the Senator point it out.

Mr. QUARLES. I was led to make that suggestion, Mr. President, by the reading by the Senator from Colorado yesterday of a portion of an article written by Mr. Moorfield Storey. He did not read the portion of it to which I now refer, but if the Senator from Virginia will take the pains to read it he will find that the arrangement of this Government made by Mr. Storey is upon the basis of that very proposition, that under the treaty of 1846 we were under obligation to take up arms, if necessary, to protect the sovereignty of Colombia against her own rebels.

Mr. SPOONER. I suggest to my colleague that he cite the message of Mr. Cleveland and read the italicized words.

Mr. QUARLES. Yes.

Mr. DANIEL. Will the Senator allow me?

Mr. QUARLES. Certainly.

Mr. DANIEL. I do not think either Mr. Cleveland's message or the writings of Mr. Bayard, quoted in that document, or any Senator of this floor, or any Secretary of State of the United States Government has ever taken the ground that our guaranty of the sovereignty of Colombia meant that we should assist by force of arms to repress an insurrection. I may be mistaken.

Mr. QUARLES. No; on page 6 of this pamphlet he quotes from the message of Mr. Cleveland, and he cites this sentence:

Emergencies growing out of civil war in the United States of Colombia demanded of the Government, at the beginning of this Administration, the employment of armed force to fulfill its guaranties under the thirty-fifth article of the treaty of 1846, in order to keep the transit open across the Isthmus of Panama.

Mr. SPOONER. No; that is not all, if my colleague will permit me. He speaks of civil war.

Mr. QUARLES. Yes.

Mr. SPOONER. That means war between the Government of Colombia and the people of Colombia.

Mr. QUARLES. Certainly.

Mr. SPOONER. Will my colleague read what follows?

Mr. QUARLES. I will.

Desirous of exercising only the powers expressly reserved to us by the treaty and mindful of the rights of Colombia, the forces sent to the Isthmus were instructed to confine their action to "positively and efficaciously" preventing the transit and its accessories from being "interrupted or embarrassed." The execution of this delicate and responsible task necessarily involved police control where the local authority was temporarily powerless, but always in aid of the sovereignty in Colombia.

The prompt and successful fulfillment of its duty by this Government was highly appreciated by the Government of Colombia, and has been followed by expressions of its satisfaction. * * * The restoration of peace on the Isthmus by the reestablishment of the constituted government there being accomplished, the forces of the United States were withdrawn.

Mr. PLATT of Connecticut. Now read the rest of it. Read the conclusion.

Mr. QUARLES. Mr. Storey proceeds:

While, therefore, we had once or twice landed troops when there were riots or insurrections on the Isthmus, we had done so in the aid of the sovereignty of Colombia, sometimes at the request of her authorities and always with her approval. We had insisted that upon her rested the duty of protecting the transit against attacks from insurgents, and had notified her that "the discharge of this duty will be insisted upon." Our interpretation of the treaty and our action under it had been in accordance with the clear language of the treaty. We had helped Colombia to discharge her duty and to assert her sovereignty. We had never interfered nor claimed the right to interfere against her.

The article proceeds upon the erroneous assumption that such is the obligation of this Government by virtue of that treaty.

I may say, sir, that the present contention of the Colombian Government is precisely that. I will not stop to read the dispatches, because every Senator here is familiar with them. That is the very gist of their present contention—that we have been guilty of bad faith and of a breach of our treaty obligations by not interfering to protect and defend Colombia against this movement of her own people.

Now, I purpose to show that this treaty has been repeatedly construed not only by the Secretaries of State from whom my distinguished friend the Senator from Virginia [Mr. DANIEL] quoted when he addressed the Senate—he read the dispatches of Mr. Blaine, Mr. Fish, and Mr. Seward—but that another construction of this treaty in 1865 crystallized into a diplomatic order known as Order No. 134, which is found in Senate Document No. 51, Fifty-eighth Congress, second session, on page 99, and I will read it, so that it may go into the RECORD. This is a dispatch by Mr. Seward to Mr. Allan A. Burton, esq., Bogota:

DEPARTMENT OF STATE,
Washington, November 9, 1865.

To ALLAN A. BURTON, Esq., etc., *Bogota.*

SIR: The question which has recently arisen under the thirty-fifth article of the treaty with New Granada, as to the obligation of this Government to comply with a requisition of the President of the United States of Colombia for a force to protect the Isthmus of Panama from invasion by a body of insurgents of that country, has been submitted to the consideration of the Attorney-General. His opinion is that neither the text nor the spirit of the stipulation in that article, by which the United States engages to preserve the neutrality of the Isthmus of Panama, imposes an obligation on this Government to comply with a requisition like that referred to. The purpose of the stipulation was to guarantee the Isthmus against seizure or invasion by a foreign power only. It could not have been contemplated that we were to become a party to any civil war in that country by defending the Isthmus against another party. As it may be presumed, however, that our object in entering into such a stipulation was to secure the freedom of transit across the Isthmus if that freedom should be endangered or obstructed, the employment of force on our part to prevent this would be a question of grave expediency to be determined by circumstances. The Department is not aware that there is yet occasion for a decision upon this point.

That is dated November 9, 1865, and from that time to this that construction has been consistently imposed upon that treaty by every diplomatic agent and by every Secretary of State of our Government.

Mr. SPOONER. Will my colleague permit me to interrupt him for a moment?

Mr. QUARLES. Certainly.

Mr. SPOONER. He is making a very powerful argument on this proposition. In 1880 or 1881 Colombia, alleging that the treaty of 1846, particularly article 35, was somewhat indefinite, proposed to the United States a construction of it. It proposed that our guaranty of pacification meant the disturbance of the Isthmus by the invasion of any foreign power, and our guaranty of the rights of sovereignty and property of Colombia meant against an invasion by any foreign government or unauthorized private expedition like the Walker expedition in Nicaragua.

Mr. QUARLES. Mr. President, I want to show that the same construction has been put upon that treaty by the Colombian Government until the time came when, for the purpose of asserting a grievance against us, they found it convenient to make a radical change in their construction of it. I read now from the diplomatic correspondence of 1866.

Mr. CLAY. Will the Senator, while he is on this subject, permit me to make a suggestion?

Mr. QUARLES. Certainly.

Mr. CLAY. I understood the Senator to say that he construed this treaty to mean that when we guaranteed the sovereignty of Colombia we guaranteed her sovereignty against foreign powers.

Mr. QUARLES. Against foreign aggression.

Mr. CLAY. I agree with the Senator. I think that is the proper construction to place upon it. We not only, however, guaranteed her sovereignty, but we guaranteed the neutrality of the Isthmus.

Mr. SPOONER. Against foreign governments.

Mr. CLAY. Well, that is my construction.

Mr. SPOONER. Yes.

Mr. CLAY. We guaranteed the neutrality of the Isthmus as against foreign governments.

Now, here is a question which presents itself to my mind: She has guaranteed to us that the Isthmus shall be kept open. If the Isthmus should be closed she would violate her treaty and we would have the right to enforce it. Now, I agree that we do not undertake to guarantee her sovereignty as against civil war—war among her own people. But now here comes a case. Suppose Panama secedes. She leaves the parent Government and Colombia proceeds to attempt to bring her back, and by reason of the war carried on between the two they close the Isthmus. The civil war itself closes it. Would we not have the right to go there and say, "You have violated your treaty. By reason of your civil war you have closed the Isthmus. We will make you open it." That is the question which presents itself to my mind in this case.

NO VIOLATION OF THE TREATY.

Mr. QUARLES. I shall come to that point in just a moment, reaching the same conclusion by a different process of reasoning from that of the Senator from Georgia.

I am concerned at the present moment with showing that the present contention of Colombia, that we have violated our treaty, is entirely without merit, and I am showing it by the deliberate construction that they have put upon this treaty exactly in accordance with the construction of our own diplomats.

Mr. Burton writes to Mr. Seward that he has opened up this subject of the construction of the treaty of 1846 with the diplomatic agents and ministers of the Colombian Government, and he says:

> The result has been that the Colombian Government declares that it does not feel itself authorized by the treaty to require the aid of the United States for the suppression of an insurrection, rebellion, or other disturbance on the Isthmus on the part of Colombian citizens; not even an invasion by another Colombian state, unless such movement be intended to detach the State of Panama from the Colombian Union and to annex it to a foreign power. This would seem to leave the Isthmus free to declare itself independent of the United States of Colombia, without the fear of the forced intervention of the United States of America, provided such declaration be not accompanied by the end of annexation to a foreign power.

Thereby anticipating exactly what has happened here and saying in terms that if Panama revolted for the purpose of asserting her independence, unless that purpose was coupled with a determination to annex herself to some foreign power, the treaty of 1846 would not permit Colombia to call upon us for any aid to assert their sovereignty.

Mr. FULTON. Whose language is that?

Mr. QUARLES. That is the language of Mr. Burton, who gives to Mr. Seward the result of his discussion with the minister of foreign affairs of Colombia on this subject.

Mr. DANIEL. Will the Senator from Wisconsin kindly give the citation of the book from which he reads?

Mr. QUARLES. It is the Diplomatic Correspondence of 1866, part 3, and what I read is found upon page 574.

I now call the attention of the Senate to a still more authentic declaration on the part of the diplomatic officers of Colombia.

On page 579 of the same book will be found a dispatch from Señor Garrido to Mr. Burton on this subject. I will read only a part of it, the latter part of it, which relates to this subject.

> As to the interposition due from the Government of the United States by the treaty existing between the two nations in the event that an insurrection by armed force should take place on the Isthmus for the purpose of segregating it from the union, the Government of Colombia understands that if such a movement should be effected with a view of making that section of the Republic independent and attaching it to any other foreign nation or power—that is to say, in order to transfer by any means whatever the sovereignty which Colombia justly possesses over that territory to any foreign nation or power whatever—the case will then have arisen when the United States of America, in fulfillment of their obligation contracted by the thirty-fifth article of the treaty existing between the two Republics, should come to the assistance of Colombia to maintain its sovereignty over the Isthmus, but not when the disturbances are confined to Colombian citizens.

Mr. President, let me come to the question suggested by the Senator from Georgia. I have been trying to learn what could be insisted upon by the United States of Colombia under that treaty and what obligations there were to which we were bound to respond at the instance of Colombia, and we have found that it is only when there is an attempt to attach Panama to a foreign government that we are bound to intercede; but what we are bound to do under the treaty of 1846 does not measure the rights of this Government as to the situation of affairs in the Isthmus. What we are bound to do under that treaty does not measure our rights or our obligations. We have vested rights in that Isthmus. Not only that, but we have duties to discharge that every government feels obliged to discharge, namely, to protect the interests of its citizens, wherever they may be, independently of any treaty. That is what every government does which has any respect for itself, and to-day the marines of the United States are occupying that position in Korea, not by virtue of any treaty like that of 1846, but utterly regardless of any treaty, because there are rights of American citizens which are imperiled there.

So, if an insurrection should arise in Colombia which threatened that transit, which endangered the property of American citizens, and more especially if it endangered the lives of American citizens, we would not depend upon the treaty of 1846 to warrant us in sending our marines there to protect those vital interests.

I beg to suggest, Mr. President, that it is a far different question to-day from what it was in 1846. The railway which has been built from ocean to ocean by American capital now has thirty-two stations, and at each of these stations is a group of population. In Panama and Colon—Colon being a city of about 14,000 and Panama about 20,000—there are the great warehouses and storehouses and stations and yards and cars, and other property belonging to the railway company, and scattered along the canal route are various pieces of machinery of great value—dredges and engines and pumps—which were estimated by the Canal Commission to be worth a million dollars.

So, when we consider the question whether we can afford to permit an insurrection to interrupt that transit, we do not look to the treaty of 1846, but to our inherent right to safeguard the great interests and rights that are imperiled there; we proceed quite independently of that treaty in such an emergency.

Therefore, Mr. President, I contend that unless my position can be successfully met, unless the construction which has been consistently put upon this treaty can be overthrown, there is removed from the field of controversy in this case another proposition; that is, that there has been no violation on the part of this Government of its treaty obligation in its failure to take up arms on behalf of Colombia to put down this revolution.

PANAMA NOW THE SOVEREIGN.

But, Mr. President, the time has gone by when the treaty of 1846 defines the obligations or relations between this Government and Colombia. An important event has happened which has changed all that, and that is the coming into being of a new power, a new government, known as the Republic of Panama. We have recognized that Government. What is involved in that fact? We have recognized the sovereignty of the new government over the Isthmus. We can not at the same time recognize the sovereignty of two powers over the same territory, and, therefore, the logic of that great historic event is that from the time of that recognition we are bound to treat the new Government of Panama as the sovereign, clothed with full power and full right over the Isthmus. We can, therefore, no longer treat with Colombia on the basis that she remains the sovereign of the territory of Panama.

Now, as showing what that ceremonial of recognition means, I beg to call attention to a section of Taylor's International Public Law. Section 160 is as follows:

> 160. *Attributes of sovereign states as moral persons.*—As soon as a political community which has set up a separate national existence of its own receives recognition of its independence, it enters at once into the full enjoyment of sovereignty as a corporate person endowed not only with the right to perpetuate its existence as such by an unbroken succession of new members, but with the attributes and responsibilities incident to "moral persons, having a public will, capable and free to do right and wrong, inasmuch as they are collections of individuals, each of whom carries with him into the service of the community the same binding law of morality and religion which ought to control his conduct in private life." Such a sovereign has the right to claim independence of and equality with all others of its class and to exercise jurisdiction throughout its territory. The postulate is fundamental that jurisdiction and territory are coextensive. With a few exceptions, which will be explained when the two broad divisions of the subjects are examined in detail, a sovereign state has jurisdiction over all persons and things within its territorial limits, and in some instances such jurisdiction over both extends beyond its limits, and thus becomes exterritorial. Among its several attributes of sovereignty may also be noted the rights of a state to maintain diplomatic intercourse with other states, to make treaties with them, and, under certain exceptional conditions, to intervene in their internal affairs.

Therefore, Mr. President, it follows as a logical necessity from our recognition of Panama that we must recognize her sovereignty throughout the extent of her territory.

But that recognition by the United States confers a status, a status of statehood, carrying with it all these incidental rights of sovereignty, treaty-making power, and all that.

Not only has the United States of America given this new Government that recognition, but it has been accorded by almost every civilized nation in the world. All the leading governments of Europe and nearly all the South American republics have concurred with the United States in the proposition I have just laid down, with all that it implies.

Not only that, sir, but this Senate has estopped itself, by its action in accrediting to the new Government a diplomatic minister, from ever asserting that there is any doubt as to where the sovereignty of that Isthmus rests, because that is an unquestioned recognition of sovereignty. Equally significant with the reception of a minister from the new Government, this Senate has commissioned a minister to represent us with the new Government.

Therefore, Mr. President, in this body, for the purposes of this argument, it must be taken as conclusively established that supremacy and sovereignty over this Isthmus are vested in the new Government, and that from that time out the Government of the United States of Colombia became to all intents and purposes a foreign power.

Now, what follows? Mr. President, I can think of nothing more unprofitable in this world than to quarrel with a fact. The independence of Panama is a diplomatic fact. It has gone into history; it is there to stay, and nothing that we can do with this treaty, whether we accept it or reject it, will affect that great historic fact.

Now, there has been much discussion here as to the propriety of the action of the President in this recognition.

Mr. FULTON. Will the Senator from Wisconsin permit me?

Mr. QUARLES. Certainly.

Mr. FULTON. The Senator has shown ver clearly that the Colombian Government itself has not contended that it was the duty of this nation under the treaty of 1846 to defend the Colombian Government against an insurrection of its own people, and he has also shown very clearly that the recognition by this Government of the Republic of Panama gave it a status as a nation among the nations of the world.

Now, I ask him if it does not follow logically, those facts being estab ished, that the treaty of 1846 then becomes to all intents and purposes a treaty between the Republic of Panama and the United States of America, and that it becomes our duty and our obligation under that treaty to defend the Republic of Panama against the aggressions of the Republic of Colombia, it being now a foreign State, as much as it was our obligation before Panama was separated from Colombia to defend Colombian sovereignty against any other foreign state?

Mr. QUARLES. I am obliged to the Senator. He has simply anticipated what I was about to say, but has said it better, and I thank him for the interruption.

Mr. FULTON. I am sorry that I did, if the Senator was going on in that line. I thought he was going to debate another branch and I wanted that point brought out.

Mr. QUARLES. Mr. President, I was about to say that it follows from the positions we have laid down that the obligation, the guaranty of 1846, remains unimpaired, notwithstanding the change of government, for we must draw a distinction between the state and the government. The state remains immutable, but the government changes. The guaranty of the United States, if you please, attached itself to the Isthmus, not to the government which for the time being was exercising sovereignty over the Isthmus, and it will attach to that Isthmus or "run with the land," as they say at the common law of a covenant in a deed. It will remain in contemplation of law attached to that Isthmus until the treaty of 1846 expires.

The changed situation of this Government under that treaty by reason of these facts is exactly as stated by my distinguished friend from Oregon. We are under the same obligation to-day to protect the freedom of that transit, acting under Panama, which succeeds to the position of primary obligor, and we retaining the position of guarantor for Panama, precisely as the fact was with Colombia before this revolution took place. And, therefore, we are bound to protect that Isthmus and to preserve tranquillity there against the troops of Colombia, if she shall see fit to send an invading army into that territory, because she has become a foreign power.

PRESIDENT DID NOT EXCEED AUTHORITY.

Mr. President, I do not propose at any length to discuss or attempt to justify the action of the President in what he did in the recognition of this new Government, because that is exclusively and peculiarly an Executive prerogative. The recognition of a foreign state has been confided to him by the Constitution as a part of the diplomatic power of the Government. Our Government has been likened to a tripod, each of the three legs, representing the three departments of the Government, being essential to the permanence of the structure placed upon it. It is the very essence of our system of government that these three departments shall be independent of each other and each supreme within its appropriate limits.

Senators have indulged in a great amount of discussion as to the propriety of the action of the President of the United States. I submit, Mr. President, that it is not a question which is legitimately here. It can never culminate in any resolution or bill or order that this body can pass. I would have been better pleased if the distinguished Senators who have seen fit to criticise the President had given better evidence of the sincerity of their views, because if an outrage has been perpetrated by the recognition of Panama with indecent haste; if that has been conducted in such a way as to make it an intervention or a casus belli; if that be a proper subject for determination here, why do not the Senators suggest some concrete method, propose some resolution, introduce some bill, so that that wrong may be corrected, if, indeed, we have the jurisdiction to correct it?

No, Mr. President, it is left simply to noisy declamation. There is no remedial proposition made here. But what shape would it take if we were to interpret these speeches, these incendiary speeches, and embody them in parliamentary form? Let us see if we can frame a bill which would suitably present their objections. Suppose the bill ran thus:

Whereas the President of the United States has seen fit to exercise his prerogative with indecent haste and has recognized a new power before the parent government yielded its sovereignty or admitted its helplessness in the premises: Therefore,

Be it enacted, etc., That the recognition so given by the President of the United States to Panama be, and the same is hereby, annulled, vacated, and set aside.

There you would have the proposition in the concrete. These arguments that have been made here—or speeches, I prefer to call them—culminate in that, or they mean nothing. Yet no Senator on either side of this Chamber would vote for such a proposition so clearly infringing the Executive prerogative. Our friends are merely shooting in the air either for the purpose of party capital or, what I fear still more, with the effect of misleading an ignorant people on the Isthmus and inflaming their passions.

Mr. President, the remedy that Colombia has under the law of nations is simply this: If the United States Government has recognized her revolting province before it ought to have done so, under circumstances that amount to officious intermeddling, she has but one remedy. This being a conflict between two sovereign nations, there is but one method of redress. There resides nowhere the civil power to change the status that has been imposed by the recognition of that Government. There exists nowhere any civil tribunal with jurisdiction in the premises. There is but one tribunal where that matter can be tried between two sovereign nations, and that is the arbitrament of arms.

Colombia makes her own conclusion on her own responsibility. It can not be revised or reversed or set aside by any tribunal. She may choose to consider our conduct an infraction of her rights and may wage war against us. If she does, then the theater of war may be anywhere. It may be on land or it may be on sea, or it may be on any part of that Isthmus. But if, on the other hand, she concludes to make war against Panama, the theater of war then will be restricted, and the United States Government carrying out its guaranty in the treaty of 1846 will insist that that war shall not be carried on along the line of transit, because there perfect neutrality, perfect tranquillity must be undisturbed while our guaranty for peace is outstanding. In any event, the avenues of diplomacy are open where such differences may be composed. The President has already tendered the good offices of the United States to bring about an amicable adjustment of the dispute between Colombia and Panama. Let us hope that wise counsel may prevail and that any resort to extreme measures may be obviated.

The PRESIDENT pro tempore. The Senator from Wisconsin will please suspend one moment while the Chair lays before the Senate the Calendar of General Orders.

The SECRETARY. Order of Business 13, Senate bill 887.

Mr. SPOONER. I ask unanimous consent that my colleague may conclude his remarks.

The PRESIDENT pro tempore. Would it not be better for the Senator to make his request a little broader?

Mr. PLATT of Connecticut. And that the resolution may be continued before the Senate during the day.

The PRESIDENT pro tempore. And with one addition to that, that it may retain its place without prejudice.

Mr. PLATT of Connecticut. Yes.

Mr. SPOONER. My concern now is that my colleague may have leave to conclude his remarks.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that his colleague may have leave to conclude his remarks. Is there objection? The Chair hears none.

Mr. PLATT of Connecticut. I will ask, as a further order of the Senate, that the resolution may continue before the Senate if

there is anyone who desires to discuss it further after the Senator from Wisconsin shall have concluded his remarks, and that it shall have the same privilege to-morrow that it has to-day.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the discussion of the resolution may continue and that the resolution, if not finally acted upon to-day, shall retain its place on the table without prejudice. Is there objection? The Chair hears none, and that order is made.

Mr. QUARLES. Mr. President, the right of recognition of a new state, like every other right, must always be exercised with reference to circumstances then existing. Those circumstances are supposed to be known to the executive power by the many avenues afforded for gaining information that this branch of the Government does not possess.

I will only say, respecting the duty of the President in connection with this matter of recognition, that here is a revolting province of Panama. It has been attached as an appendage to a conglomerate government located in another grand division of the world, located in South America, and removed from it by hundreds of miles of impenetrable forests and impassable morass.

Mr. BEVERIDGE. Eight hundred miles.

Mr. QUARLES. Other Senators in discussing this matter have already referred to the fact that this was not a recent outburst of a new desire on the part of Panama for her autonomy. It is an aspiration that has been cherished there for many, many years. It has manifested itself in rebellion and revolt that has become almost chronic.

POLITICAL CONDITIONS IN PANAMA.

I wish to call attention for a few moments to the situation, so that the Senate may understand more in detail the environment of Panama. It has been a terra incognita so far as Americans are concerned. What did we know about Panama prior to the time of the recent disturbance? What means have we had? I grant that the means within our power at this time are inconsiderable. I have here a book written by Hon. William L. Scruggs, who for twenty-seven years was a diplomatic representative of this Government in South America. He writes what he has observed himself, and if I may be pardoned I wish to lay before the Senate two or three passages from it, so that we may comprehend the situation down there a little more thoroughly than we would otherwise do. On page 140 Mr. Scruggs says:

During the thirty years intervening from 1830 to 1861 there were five successive constitutions, not one of which was ever respected when it became an obstacle to the ambition of some local military chieftain. There were no two whole years of perfect peace and tranquillity during the entire period, for there was a "revolution," local or general, on an average about every eighteen months. Even in its most tranquil moments the Government failed to inspire public confidence, and what capital there was in the country generally sought investment abroad; in short, to again adopt the incisive language of a distinguished Colombian scholar and statesman, "the maintenance of public order was the exception and civil war the rule."

On page 142 he says:

This constitution—

Referring to the constitution of 1886—

This constitution, which was, as I have said, the sixth in chronological order, remained in course for about twenty-two years, and during that time there was as many as eleven "revolutions," or one on an average of about every two years. And yet it has been stated by a distinguished Colombian publicist that "during this period public disorders were much less frequent than under any previous period after the dissolution of the old union." He might have added with equal truthfulness that when suffrage became universal fair elections ceased to be possibilities, and that a defeated candidate never thought of acquiescing in the result, provided he saw a reasonable prospect of successful appeal from ballots to bullets.

That the Senate may have some idea of the judicial system in vogue in Colombia, I wish to read a footnote which appears in Mr. Scruggs's book. It reads:

I have the following story from a well-known Colombian lawyer: A small politician of local influence, but who had never pretended to be a lawyer, was elected judge in one of the interior districts. His first case was an action of ejectment. After puzzling over the papers for a while he ordered the clerk to make the following entry on the court record: "Considerando que el juez no sabe nada, ni el secretario tampoco, resuelve que se archive estas expedientes. Publiquese." ("Whereas, since neither the judge nor the clerk knows anything, it is ordered that the case be dismissed.")

Here was an example of judicial candor and frankness that can hardly be exceeded in all the judicial annals.

Mr. BEVERIDGE. That was under the Colombian Government?

Mr. QUARLES. It was under the Colombian Government. I apprehend that if the people of the United States had had the same facilities for understanding the plight in which Colombia has been left under that so-called constitution of 1886 there would have been the same sympathy expressed by our liberty-loving people for Panama that was expressed for Poland in the days of her struggle for liberty. But we have known nothing about it. They have no press, and what do we find? We find that the constitution of 1886 was nothing but an instrumentality of tyranny in the hands of Nunez, a dictator, which he forged and put upon the hands of that feeble people. Having appointed in his sovereign pleasure nine representatives, one from each of those States, chosen to do his will as an irresponsible sovereign, they prepared this constitution, and it is then, by a hocus-pocus arrangement, ratified by certain boards of aldermen. The dignity of statehood is taken away from Panama. She is left practically in the condition of a conquered province.

If you will consult that alleged constitution, you will find that especial reference is made to the district of Panama and authority is conferred to legislate for Panama. What would be the propriety of that provision if Panama were voluntarily entering into a constitution on an equal footing with the other States?

But, Mr. President, you will also find in that constitution that Panama was to be governed by an officer sent from Bogota. Panama had no hand in the selection of a governor; and, like a Roman proconsul, that governor, wholly alien to Panama, representing only that little coterie of politicians at Bogota, presided over the destiny of that poor, feeble state, or district, or colony. Panama has been to the United States of Colombia the sheep that has been plucked and shorn from year to year, and the wool has all gone to Bogota.

Why, Mr. President, think of a despotism that insists upon levying taxes upon a province like that without even building a road for her. There is not to-day a highway between any two cities on that whole Isthmus. The great highway referred to earlier which was built by the Spaniards four hundred years ago, a magnificent highway, was suffered to go into decay and ruin. As you ride along that railroad to-day you see little patches of it there; it has all gone to ruin for lack of repair. Not a highway has been constructed, not a schoolhouse has been built, nothing has been done to promote her internal development or to indicate any interest at Bogota in the fate of Panama. The rejection of the canal treaty, which was of such vital importance to Panama, was the last straw that broke the camel's back.

Now, let us recall the statement made by the learned Senator from Alabama [Mr. MORGAN] the other day. You talk about the illegitimacy of that Government on account of her brief period of gestation. What did the learned Senator from Alabama narrate to us from his great knowledge of history? That in 1898 Sanclemente, the President of that Republic, received a million francs from the New Panama Canal Company for an extension of their franchise for six years. Now, that would seem in a republican form of government to be a very peculiar proceeding, and yet I wish to call attention to the fourteenth article of the sixth title of the so-called constitution and show the Senate exactly how that procedure was carried on.

The fourteenth article provides as follows, in defining the power of their Congress:

XIV. To approve or reject contracts or agreements entered into by the President of the Republic with private persons, companies, or political corporations, in which the national treasury is interested—

Those contracts in which the national treasury is interested. The President of the Republic was being provided with the way to put his hand into the treasury in the first instance—

if they have not been previously authorized, or if the formalities prescribed by Congress have not been complied with, or if any conditions contained in the law authorizing them have been disregarded.

What a wonderful power that is which is conferred upon the Congress of the United States of Colombia—to approve a contract concerning the treasury which has been made in defiance of law by the President! It was a scheme to facilitate blackmail.

REVOLUTIONS IN CENTRAL AMERICA.

Sanclemente, availing himself of that atrocious privilege, went to the New Panama Canal Company and took from it a million francs for the extension of their franchise for six years. What happened? Sanclemente did not divide up with the Congress, but assumed to keep the million francs himself. Thereupon a row—for I can characterize it in no other way—arose, and Sanclemente, the President, undertook to prorogue the Congress, and then the Congress undertook to prorogue him. I refer to that as a beautiful illustration of this doctrine of one department of the Government interfering with and assuming to criticise another. There was the President assuming to dissolve the Congress, and the Congress, not to be outdone, passed a joint resolution declaring the presidency vacant—dissolved the President! Thereupon they got out their fowling pieces and flintlocks and went at each other in characteristic Central American style. They carried on that war from 1898 until 1902, when the combatants appeared on the line of transit. Then the stately form of the battle ship *Wisconsin* was descried in the distance. Her funnels were seen; her flag was displayed; the marines were landed at Panama; and neither faction was permitted to use that line of railway for hostile purpose or to commit any act of hostility there.

Mr. President, the learned Senator from Alabama [Mr. MORGAN] said, again criticising the Government, that if it had not been for the partial manner in which Admiral Casey in 1902 exercised that function Panama would then have gained her independence. She came near securing her independence then—it hung on a

thread—and yet we are told here in this discussion that the revolution was a new impulse on the part of Panama, so young, so fresh as to be entitled to no recognition, and suggesting collusion on the part of the United States. So, Mr. President, it conclusively appears that she has been constantly struggling against the tyranny of the Bogota Government for many years.

Mr. President, I take the liberty of again referring to this book. I wish the Senate to understand a little more fully the conditions which were probably known to the President when he took his action and which were unknown to us. I wish to show the way armies are raised and war is waged down there. Speaking of the elections this author says, on page 148:

Even on extraordinary occasions, when there is something like a full vote, there is rarely a fair count. The result is that the defeated candidate seldom acquiesces in the result.

Mr. BEVERIDGE. That is in Colombia?

Mr. QUARLES. This is in Colombia.

Let us trace the history of one of those revolutions which we have heard so much about and which nobody has ever understood.

If he happens to be a man of ready tongue (and who ever saw a South American politician who was not?), he is apt to have a substantial following, and in due course will become the leader of an organized faction. He collects a few muskets and machetes, assumes the title of "General," and very soon finds himself at the head of a little band of guerrillas ready for business.

How do they raise their troops?

The standing army consists of a few skeleton regiments of ill-paid privates and hordes of generals and other commissioned officers, who are invariably politicians. They may resign whenever they like, for others are always ready to take their places. To fill up the rank and file as emergencies arise the Government relies entirely upon impressments. Recruiting officers scour the country, lasso in hand, or lie in wait for the simple-minded aldeano at the market places, and catch peones very much in the same manner that a Texas herdsman lassos his cattle. The "revolutionary" leader adopts the same method, and between the two the docile and simple-minded Indian rarely escapes. Once caught and put into the army, he knows only obedience. He is easily drilled and rarely fails to make a good soldier. He is stupidly indifferent to bodily danger, and will stand up and shoot and be shot at without flinching. If taken prisoner, he is at once enlisted in the ranks of his captors and will fight quite as well there as he did on the other side. If he is killed while on the winning side, some show of provision is usually made for his family. If he falls while fighting on the losing side, his family are expected to make no complaint. If he survives the strife, he returns unpaid and half naked, but quietly and peaceable, to his humble home, never seeming to realize that he has been badly treated. Almost any other human being, in any other country, would, under like circumstances, become an outlaw and a desperado. But the native Indian of the Andes accepts his hard lot without even an audible murmur.

Mr. FAIRBANKS. What is the name of the author who makes that statement?

Mr. QUARLES. Mr. Scruggs. He was our minister to Colombia and Venezuela. He was at both places at different times, and his services covered twenty-seven years.

Mr. President, I beg to read just a word from Mr. Taylor on International Public Law. On page 193 he says:

There is a stage in such [revolutionary] contests when the party struggling for independence has, as I conceive—

This is from John Quincy Adams to Mr. Monroe—

a right to demand its acknowledgment by neutral parties, and when the acknowledgment may be granted without departure from the obligations of neutrality. The neutral nation must, of course, judge for itself when this period has arrived—

Of course it must. There is no one else who can determine it; there is no one else who can criticise it—

and as the belligerent nation has the same right to judge for itself, it is very likely to judge differently from the neutral, and to make it a cause or pretext for war, as Great Britain did expressly against France in our revolution, and substantially against Holland.

Mr. President, there seems to be existing in the minds of people in certain quarters a deep regret that the action of this Government should have interrupted such a war as would have taken place between Colombia and Panama. I have read from Mr. Scruggs an account of the manner in which those wars are waged and those armies recruited.

When revolution dips a pen in warm red blood and writes a new chapter in the book of the world's progress, writes some new achievement of human liberty, that waste of life is considered useful and sacrificial, but the contests that are waged down in Central America are sheer sodden slaughter; they are legalized murder and rapine. Who ever understood what those revolutions were for? What did they ever accomplish? They settled nothing but the temporary supremacy of some military chief, who ruled until some other chieftain was strong enough to overturn him and again deluge the Isthmus with blood. That is the pitiful condition in which we found the Panama people. Without departing from the strict rule of international law, we have been able to minister to the hope and ambition of that downtrodden State and we may be able to uplift that people to the light of civilization.

The contests in Central America, as we read about them in the newspapers, Mr. President, are sometimes described as struggles between the Clerical party and the Liberal party, but nobody understands them; there is nothing at issue in which civilization has any interest whatever. The buzzard is the chief beneficiary of such conflict. I am told, sir, when the bugle sounds to call the Colombian army into battle, that if you were to look up into the sky you would see there certain dark specks whirling in short circles, and as the battle rages those specks grow larger, they come nearer, and you are able to detect that they are great, black birds, and when the troops withdraw, leaving the dead and wounded on the field, those birds are prepared for another attack.

When the poor wounded soldier, lying with fevered brow, hears the swish of those mighty wings, he knows that the end is near. Then ensues a contest of sharp beak and fierce talon that is only exceeded in ferocity by the human struggle that had gone before. And so, for hundreds of years those wasteful wars have been waged. From 1893 to 1902 the Senator from Alabama informed us that 100,000 of those poor people gave up their lives, and for what? The Isthmus has been converted into a great graveyard, and with all the sacrifice of life and all that shedding of blood nothing has been established in which civilization had any interest whatever.

FIRST HOPEFUL SIGN FROM ISTHMUS.

When Panama, arising from that condition of hopeless despotism in which she has been kept by the Bogota Government, held up this treaty and said to the world, "I will permit the civilization of the world to pass through my dominion," there was the first hopeful sign that has come from that Isthmus in a hundred years—the first response of civilization or progress or human liberty. And, Mr. President, I am glad that without departing from strict constitutional methods, without soiling our honor, we have been able to prevent such a war as that would have been and have been enabled to lift up another people to a higher plane of civilization. Now, I say, having this treaty, which all the world desires, let us accept it, and let us dig that canal.

But there is one proposition asserted by my learned friend from Colorado [Mr. TELLER] to which I wish to assent before I take my seat, and that is, if this Government undertakes that gigantic enterprise and concludes to spend its millions of money in making that Isthmus a highway instead of a barrier to civilization, that we shall do it thoroughly and well; that we shall not consent to be satisfied with a canal with those great locks, which may be thrown down by an earthquake, destroyed by dynamite, or get out of order, but that we shall have a sea-level canal, no matter what it may cost and no matter how much time is required for its completion.

We are doing this work not for ourselves; we are doing it for the civilized world; we are not doing it for a year or even a century, but for all time. We wish to have a canal there that shall be a proper tribute to this great nation, an American canal in the sense of its regulation and control, but a world's canal so far as neutrality, tranquillity, and impartiality, are concerned. Therefore, I say, let us not vote for any canal unless it be a feasible sea-level canal; a canal that will defy the earthquake; a canal that can not be disturbed by the wanton moods of the Chagres River, but a canal deep enough and wide enough in its prism to take in the Chagres River, so that a steamer may pass, by its own steam, through that canal between sunrise and sunset.

I shall not stand here, sir, to enforce the importance of this proposition. I have already taken far more time than I intended to occupy when I rose; but I could not forbear to commend what the distinguished Senator from Colorado so well said yesterday, and I hope that his reasoning and his conclusion may find a response in the minds of members of this body, so that when we do this great work we may do it well; that it may be permanent; that it may not be crippled by the failure of the Chagres River in a dry time to furnish water for the locks; and, on the other hand, that it may not be endangered by its torrential power.

Mr. President, I am admonished by my friend that we stand here not as an individual nation contemplating this great improvement. We have already entered into a convention with the British Government whereby we stand as the representative of collective civilization, if you please—a new term which certainly may be used without offense in this connection. Under that treaty we stand as the guarantor of collective civilization. Perhaps no nation ever before took so exalted and dignified a position as the United States of America occupies to-day regarding this great improvement. The eyes of the civilized world are upon us. The construction of a canal connecting the oceans has been the desire of all the nations since the time of Charles V of Spain.

All the potentates of Europe have recognized the necessity of this great enterprise, and now, by reason of a combination of circumstances that I have been able so imperfectly to detail, after a long diplomatic struggle to escape the meshes of the Clayton-Bulwer treaty, after all entanglements and conflict of hostile interests, we at last stand where this dream of the ages may become a reality, where we can join the two oceans in the wedlock of commercial intercourse. Let us not shrink from our duty, Mr.

President. Let us not throw away this treaty as a spunky child throws away its most precious toy to emphasize its displeasure. We can neither make one hair white nor black by such action. The status of Panama will remain unchanged. We shall simply have deprived this nation of its first available opportunity to consummate an honorable ambition so long cherished.

Mr. PATTERSON. Mr. President, I could not do otherwise than listen with pleasure to the very able argument of the Senator from Wisconsin [Mr. QUARLES]; but as I followed his propositions, knowing his great reputation as a lawyer, I was forced to believe that if he was sitting as a judge deciding the case according to the very right, and not according to political necessity, he would throw the case of the President out of court and stand with those who oppose this treaty.

After all, Mr. President, whatever form the discourses of Senators may take, the question to be ultimately decided is, Will the treaty negotiated by the Administration with Panama be ratified? If it is ratified, whatever wrong has been committed, will be condoned. If it is not ratified, then it becomes the plain duty of the United States to withdraw its ships and forces from Panama and allow the controversy that commenced in the early part of last November to be settled between Colombia and its revolting province.

My conviction is that the treaty should not be ratified. After critically examining the questions involved in the controversy, and recalling the ingenious arguments of those who stand for the action of the President in his dealings with Colombia, I feel that, unless one can justify the possession and retention of stolen property, he can not justify the ratification of a treaty that will give to the United States a zone for a canal that was stolen in a most bare-faced manner from Colombia. The Senator from Wisconsin [Mr. QUARLES] occupied the major part of his time in following out the lines of attack and defense marked out by the President in his two messages to this body. They have both framed an indictment against Colombia. They have charged it with bad faith, with greed and avarice, with disregard for the sacred obligations of a treaty, and have portrayed the country as the scene of many and swiftly recurring revolutions.

It seemed to me while the President's message was being read and while the Senator from Wisconsin was presenting his views that it ill became the representatives of this Government to indulge in vituperation of a country with which, commencing in 1846 and ever since, we have had close commercial and treaty alliances, alliances sought by the United States and granted by Colombia for the esteem in which it held the greatness and justice of our country.

Colombia is not quite so bad as it is painted. Colombia is a nation eighty and odd years old. It is older to-day than was the United States when the war of the rebellion commenced. It gained its status among the nations of the world in the same way that we gained ours, by revolting from a parent country and winning its right to independence upon many bloody and glorious battlefields.

In 1811 Colombia and Venezuela, under the leadership and inspiration of Simon Bolivar, the Washington of South America, threw down the gauntlet to Spain, and so effectively did they wage the war for independence against the then mighty power of Spain for eleven sanguinary years that they won the recognition of the United States in 1821, and in 1822 they adopted their own constitution and took their station in the great family of nations.

Under Bolivar, Venezuela, New Granada, and Ecuador joined together and called the new nation the Republic of Colombia. In 1832, as the result of internal dissensions, the three States dissolved their union, and each reassumed its former independent nationality. The Republic of Colombia ceased for the time to exist in name, but New Granada, Venezuela, and Ecuador were each republics, and it was with this Republic of New Granada that our treaty of 1846 was made. In 1861 New Granada adopted a new constitution and became the United States of Colombia, and in 1886, under a new constitution, it resumed the name of the Republic of Colombia, the name it now bears, and that was adopted with Venezuela and Ecuador when, as revolting colonies of Spain, they won their independence.

Mr. SPOONER. There was one in 1863, too.

Mr. PATTERSON. The junior Senator from Massachusetts [Mr. LODGE] in his learned speech gave the country to understand that the constitution of 1886, under which Colombia became what might be termed a consolidated republic, had been and was yet suspended, and that it might be deduced therefrom that Panama was justified, quite outside of any other consideration, in seceding and setting up a government for itself. The Senator from Massachusetts was mistaken. The constitution, though it had been suspended, I think, in 1900, was restored before 1903, for the Colombian Congress that met to consider the Hay-Herran treaty was elected under that constitution, and the freedom of the press and of speech had been completely restored.

Mr. President, it is true there have been many disturbances in Colombia, but it is not impossible that the people of Colombia may believe that we of the United States live in a glass house and should not engage in the throwing of stones. The reader of history recalls the whisky rebellion of 1794, when 15,000 soldiers were enrolled to suppress a rebellion in the State of Pennsylvania. He will also recall the nullification movement of 1832, when a convention was held in one of the States for the purpose of nullifying acts of Congress and providing for the enrollment of armies to resist the enforcement of laws that had been passed by Congress. The great rebellion of 1861 will not be forgotten.

Then we have had the Pittsburg riots and the Homestead riots and the Chicago riots. We have had riots innumerable, and if there lived in Colombia an author with as fertile a mind and as facile a pen as those possessed by the man who wrote the book read from by the Senator from Wisconsin, I have no doubt he could draw a picture which would be equally as pleasant to Colombian ears as the picture that this author drew seems to be to some American ears.

Mr. President, the people of Colombia are not——

Mr. SPOONER. Will the Senator allow me for a moment?

Mr. PATTERSON. Certainly.

Mr. SPOONER. The Senator speaks of the Chicago riot. That was an interruption by violence in the State of Illinois of the interstate commerce of the United States and the transportation of the mails. President Cleveland acted like a President who understood the sanctity of his oath and was determined to keep it. The Senate of the United States approved his course in enforcing the laws of the United States in Illinois in that connection. A national convention which met after that in Chicago condemned him for doing it without first asking and obtaining the consent of the governor of the State of Illinois.

Mr. PATTERSON. The Senator from Wisconsin has told neither the Senate nor myself anything of which we were not aware. I have not undertaken to enter into the details or to discuss the causes or the merits or demerits of any of the numerous and grave disturbances with which this country has been afflicted. I was simply recalling some of the very violent and bloody affairs which have occurred in this country, that we might comprehend how a Colombian author might present an indictment against the United States, charging that life, liberty, and property were cheaply held and that violent uprisings were of common occurrence.

Mr. DANIEL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Virginia?

Mr. PATTERSON. Certainly.

Mr. DANIEL. The Senator from Wisconsin says that the Chicago convention in 1896 condemned President Cleveland for his action as to the Chicago riots in sending the troops there. I think the honorable Senator is entirely mistaken. I was a member of that convention. I have misread the platform if there is anything of that sort in it. I think the Democratic party would have stultified itself if it had condemned President Cleveland. I have no doubt that some people so understood it; it may be that some meant it that way; but I do not think it legitimately bears that construction, and I am sure it is not such as I placed upon it nor as I believed it to be.

I want to enter this protest against having the Democratic platform so interpreted by the Senator from Wisconsin.

Mr. SPOONER. I entirely appreciate the sensitiveness of the Senator from Virginia.

Mr. DANIEL. I am not at all sensitive about it.

Mr. SPOONER. Oh, yes; although I do not mean that in an offensive sense at all.

Mr. DANIEL. I want the truth stated.

Mr. SPOONER. If the Democratic platform did not refer to the intervention of President Cleveland in the situation at Chicago, I shall be very much pleased to have the Senator from Virginia tell me what it did refer to.

Mr. DANIEL. I do not like to talk about a thing which is not before me, nor of one as to which my recollection does not retain the words and the thought; but surely the Senator from Wisconsin has not forgotten that in past years there have been many conflicts between the Federal Government and the States of the South, in which, according to the view of the people of the South, there were Executive interferences which they very much opposed. And as I understood it, this was a mere general declaration of a principle, without any specific application. It might have been called a platitude, except that there were things in our history and might again be things in our history of which it was a just reminder.

Mr. SPOONER. If the Senator from Colorado will pardon me for a moment——

Mr. PATTERSON. I prefer that a long argument, which at least is foreign to the subject I have under discussion, should not be injected at this time.

Mr. SPOONER. I would not interrupt the Senator without his entire acquiescence.

Mr. PATTERSON. I think the Senator will recognize the propriety of what I have said, so far as that is concerned.

Mr. SPOONER. I think the Senator is wise.

Mr. PATTERSON. It is difficult to determine just exactly what the Senator from Wisconsin means by his words of approval. Whether he means that it would be unwise for me to allow the controversy to proceed, lest my side should receive the worst of it, or whether it is a testimonial to my good judgment generally, it is impossible for me to determine.

Mr. SPOONER. Mr. President, to relieve the Senator——

Mr. PATTERSON. However, I will give the Senator from Wisconsin the benefit of the doubt, and as he is always courteous, admit that it was intended as a personal compliment.

Mr. SPOONER. It was that. I congratulate the Senator on both grounds. I think he is wise in not permitting the interruption, which I will deal with later.

Mr. PATTERSON. Mr. President, the Senator from Wisconsin will have ample time to settle all controversies and to get even with all disputants. He never limits himself as to time, and never as to opportunity. And while the Senator is in a complimentary mood, I desire to pay him a compliment. It is that never has there been a Senator, so far as the Senate has knowledge, who could so ably make black appear white and white black, no matter what the controversy was, as the Senator from Wisconsin. [Laughter.]

The President of the United States, in what some have sacrilegiously styled his "swing around the circle," early in the present year, somewhere in Indiana, and I have forgotten the exact place, instructed his audience upon the ethics of national intercourse and particularly as to the manner in which America should bear itself toward other nations. As I recall it, the chief rule he laid down was, "Speak low and carry a big stick." The President has spoken so low in his messages as to the dealings of his Administration with Colombia that he has hardly heard himself when encouragement was given to the rebellion of Panama; but whether he spoke low or high, he has carried the big stick and Colombia has felt its weight.

One of the questions is whether Colombia deserved what it received. Did it so bear itself toward this country that it deserved to lose Panama and the profits and benefits of the great canal through the intervention of the United States? The genesis of all discussion is the treaty of 1846. At that time the United States was in the heyday of its commercial and shipping supremacy. It was seeking ports in every country of the world. At that time, according to our statistics, 85 per cent of American commerce, both exports and imports, was carried in American bottoms. There has been a sad decadence of American shipping since that day.

The United States, looking abroad, and especially looking toward the South American republics, discovered that there were discriminating laws against the ships and commerce of the United States upon the statute books of New Granada which sadly interfered with American prosperity. And so our chargé d'affaires at Bogota undertook to negotiate for the United States a treaty with New Granada, to secure the abolition of those discriminating duties upon goods the product of the United States and to open up the waterways of that country to American ships and American goods.

Reading the messages of the President and the speeches of those who sustain him, what do we discover? The contention upon their part is that the treaty of 1846 imposed an onerous burden upon the United States, under which it has since been staggering, and that the benefits of the treaty were all to Colombia and none to the United States. I have taken the trouble to read the correspondence which was submitted to the American Senate by President Polk in connection with this treaty, and I think it is well worth the while of Senators to learn, if they have not already learned, what it was that led to that treaty and which country it was that received the greater benefit from it. President Polk in his message said:

> I transmit to the Senate, for their advice with regard to its ratification, "a general treaty of peace, amity, navigation, and commerce between the United States of America and the Republic of New Granada."
>
> * * * * * * *
>
> The vast advantages to our commerce which would result from such a communication, not only with the west coast of America, but with Asia and the islands of the Pacific, are too obvious to require any detail. Such a passage would relieve us from a long and dangerous navigation of more than 9,000 miles around Cape Horn and render our communication with our own possessions on the northwest coast of America comparatively easy and speedy.

Then again:

> This treaty removes the heavy discriminating duties against us in the ports of New Granada, which have nearly destroyed our commerce and navigation with that Republic, and which we have been in vain endeavoring to abolish for the last twenty years.

It was a strong desire upon the part of the United States to acquire these benefits that led it to move for this treaty.

Mr. SPOONER. What?

Mr. PATTERSON. Discriminating duties against which this country had been vainly struggling for more than twenty years, and that had practically destroyed the commerce of this country with that portion of South America.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. Yes, sir.

Mr. SPOONER. I stated the other day that the treaty of 1846 was made upon the petition of Colombia or New Granada, especially with reference to article 35, to protect that country against the threatened aggression of Great Britain and France. The Senator from Colorado corrected me, saying that I was in error. I admit that so far as the public correspondence is concerned the Senator from Colorado may have been correct, but I promised to show to the Senate that what I stated was true.

I promise now to prove to the Senate that so far as the treaty of 1846 between the United States and New Granada was a treaty of amity, friendship, and reciprocity in commerce, it was a mere cloak for article 35, which Colombia asked of us in order to protect her from foreign aggression upon that Isthmus, and the correspondence which I will read has not yet been published. That statement is due to the Senator from Colorado.

Mr. PATTERSON. I know nothing of correspondence that has not been published. What I stated was that the United States sought the treaty of 1846.

Mr. SPOONER. I think the Senator is mistaken.

Mr. PATTERSON. It is also true that when we sought that treaty New Granada insisted that the provisions contained in article 35 should be included in the treaty.

Let me read from the letter of our chargé d'affaires to President Polk, with which he transmitted the treaty of 1846, and that the President transmitted to the Senate with the treaty:

> It would be useless to speak of the terms of this treaty; you will have it before you, and it must explain itself.
>
> I will only say that, so far as it relates to commerce and navigation, it concedes to the United States the abolition of all differential duties—a concession which has heretofore been urged in vain for the last twenty years; and in all other respects it is as liberal as any treaty we have with any other nation. You will observe that the fourteenth article, in relation to the right of worship and the liberty of conscience, grants the most entire freedom, and that it is much more tolerant than the treaty with Colombia in that respect.
>
> With regard to the right of transit and free passage over the Isthmus which appeared to me to be becoming of more and more importance every day, I have only to remark that I have procured the "largest liberty" and the very best terms that could be obtained.
>
> I could not obtain these terms—

Said Mr. Bidlack, our chargé d'affaires—

> without consenting to guarantee the integrity and neutrality of the territory; and in fact it seemed to me, upon reflection, that in order to preserve the rights and privileges thus ceded it would be both the policy, the interest, and the duty of the United States thus to enter into an obligation to protect them. The guaranty extends only to the Isthmus; and anything like a general alliance is carefully avoided. With these hasty observations, I refer you to the "exposition of motives" presented by Mr. Mallarino, the secretary of state, in answer to my objection to including this question in the commercial treaty.

When negotiations for this commercial treaty were entered into, so far as one can judge from the correspondence, the Colombian minister desired the mutual guaranties of transit and sovereignty to be incorporated as they are in the treaty with all the rest it contains. But the American chargé d'affaires wished two treaties, one containing the purely commercial provisions and the other those of transit and sovereignty.

It may be instructive to learn the suggestions that were made by Mr. Mallarino, New Granada's minister, in support of his contention for a single treaty. They were reduced to writing, and the document gives a very interesting and graphic description of the contest that was then being carried on between the United States and Great Britain for commercial supremacy in the South American republics. I read from the official publication parts of Mr. Mallarino's suggestions:

> 1. The conduct observed by Great Britain in various parts of the South American continent, especially in the Argentine Republic (where that power pretends the right of exterritoriality for her flag in the lengthy course of the mighty rivers of that country), upon the Orinoco, in eastern Venezuela; and in the Mosquito Shore, on the Isthmus, unveils a preconceived and long meditated intention of grasping the most mercantile spots of America, putting the competition of the United States out of the question, and dictating her will as a law in all matters concerning the consumption of foreign commodities. And in effect—as it is well known that the Orinoco is naturally communicated with the Amazonas; that this river is interwoven with the Plata, and that all of them receive in their bosom several lateral tributaries that are for many leagues navigable in divers directions—it is quite plain that, as soon as the encroachments of Great Britain shall be realized in the mouths of the Orinoco, she will overflow all South America with her manufactures, without the drawback of any custom-house barriers.
>
> No manufacturing country will be able to stand in competition with powerful England in those great and unencumbered mercantile thoroughfares, that are now deserted, but which she would almost exclusively reserve to herself upon acquiring their ownership. And if the usurpation of the Isthmus in its channelizable portion should be added to these encroachments, the empire of the American seas, in its strictly useful or mercantile sense, would fall into the hands of the only nation that the United States can consider as a badly disposed rival. It would be perfectly superfluous to mention the

political consequences that would be entailed upon America by the uncontrolled dominion of a nation as ambitious as it is little fastidious about the means by which her ends are to be obtained. Great Britain would, in effect, virtually acquire a complete ascendancy over all America, if to the dominion that she already exercises in the interior parts of Mexico, under the pretexts of the mining works, she should add the so-much-wished for possession of the Californias, and of the Isthmus, and of the great mouths of the Orinoco on the coast of Venezuela, and of the Plata and other rivers adjoining it on the Argentine seaboard. This dominion or ascendancy would be equally ruinous for the commerce of the United States and for the nationality of the Spanish-American republics; most direful for the cause of democracy in the New World, and constantly disturbant of public peace in this our continent.

II. From these facts and general considerations may be inferred the urgent necessity in which the United States are of interposing their moral influence, and even their material strength, between the weakness of the new republics and the ambitious views of the commercial nations of Europe and particularly of Great Britain. This protecting mediation must have an entirely peaceful and conventional origin, as its effects would necessarily touch upon, or be referent to, the liberty of the American seas, and the mercantile interest of this hemisphere, as well in the exportations of its productions, to be freely exchanged in a free competition with foreign effects, as for the receipt of these very foreign effects, which ought to be only lawfully made with equal advantages for all importers. On account of these reasons, and for the convenience of not awakening international jealousies by extraordinary and special treaties, the guaranty of territorial possession, to be given by the United States, ought to be incidentally introduced in treaties of commerce, as a part of and subordinate to them; but this should be done so that at the same time that the freedom of the seas should be assured, the nations of Europe should be compelled to abandon their anti-American plans and Great Britain her plans of territorial encroachments; or, in case they should not abandon them, that their trade should suffer the damages consequent on the want of a participation in the franchises that the United States would thus acquire.

Then he continues:

This end is simply and naturally to be obtained by stipulating, in favor of the United States, "the total repeal of the differential duties, as a compensation of the obligation they impose upon themselves of guaranteeing the legitimate and complete or integral possession of those portions of territory that the universal mercantile interests require to be free and open to all nations." In the Granadian treaty this guaranty of territorial property and neutrality would only refer to the provinces of the Isthmus from their southernmost extremity unto the boundary of Costa Rica.

When a treaty containing such a stipulation shall exist between New Granada and the United States—and it could be completed and perfected by a subsequent and complementary convention, in which the transit of the interoceanic passage should be arranged and its permanent neutrality strengthened—half the plans of Great Britain would fall by themselves, as it would no longer be possible for her to encroach upon the Isthmus, nor to free herself from the rapid consequences of the mercantile inequality under which she would have to suffer, unless she invited New Granada to alter, upon the same conditions, the British treaty; constituting herself thereby, also, as a guaranteeing power of New Granada sovereignity upon the Isthmus. This would also be done by France. All the other nations with whom New Granada has express relations would do the same; and in this manner the guaranty would become a matter-of-course clause and a fact of universal interest.

So it will be seen that when this treaty was negotiated it was contemplated between New Granada and the United States that Great Britain and France and other nations should enter into like duties and obligations as did the United States to New Granada under that treaty. But continuing:

It thus appears that—without having to fear the eventuality of a war with any other power in order to maintain the sovereignty of New Granada over the Isthmus; without bringing upon themselves any kind of burdensome engagements—the United States can accept this clause, and thereby effect an entire change in the intentions of Great Britain, strengthening at the same time the future freedom of the American seas and the mercantile advantages which the United States must always enjoy on account of their proximity to our markets.

This blow would become complete if the United States should be able to sign similar treaties with Venezuela respecting the Orinoco and with Buenos Ayres respecting the Plata and other neighboring navigable and connected rivers.

III. There are reasons of another kind that should also induce the Government of the United States to bestow their favorable attention on these measures. Some of such reasons are referable to the necessity in which the United States are, as an American power, of using the most efficacious vigilance for the maintenance of the existing order of things as the most singularly favorable to their tranquillity and aggrandizement. The United States have now nothing to fear and a great deal to hope for from the neighboring democracies, but all the contrary would happen if the direct influence and the political institutions of Europe should once enthrone themselves in the South American regions. The other reasons are relative to the United States' own fame and reputation, as assuredly nothing would so brilliantly vindicate them nor acquire them a greater augmentation of American affections than the fact that they, after having been branded as the oppressors and future conquerors of the Spanish-American republics, should present themselves as the most zealous protectors of the territorial integrity of those very same republics in whose preservation they would appear taking an open and direct interest.

And really the acquisition of such a treasure of glory and affections, most usefully subservient to the mercantile interests of the United States, is a step entirely exempt from any cost or risk, and which the Washington Cabinet should surely take without hesitation or delay, for to the gratuitousness of its consummation are to be added honor, necessity, and expediency, which all plead with an equal eloquence in favor of this measure.

M. M. MALLARINO.

BOGOTA, *December 10, 1846.*

Thus it is plainly seen that a contest for commercial supremacy between the United States and Great Britain in the South American countries was what led to negotiations for the treaty of 1846, and that we secured by it concessions that we had striven for twenty years in vain to secure, and that section 35 sets forth the obligation assumed by the United States in consideration of the great benefits conferred by that treaty.

The President, in one of his messages, suggests that for seventy years Colombia has been receiving the benefits of this treaty; that for seventy years Colombia has been receiving the benefit of the guaranty of its neutrality; but, Mr. President, for more than seventy years the United States has been receiving the commercial advantages that it sought and that were granted to it by this treaty. If the United States has done an act that is against the letter or spirit of this treaty, that act has been done in the face of the fact that for seventy years and up to the present time the United States has been enjoying all the commercial advantages this treaty gave to it and that it so zealously sought to secure.

Let it not be again contended in the face of this correspondence that the obligations were upon one side and not upon the other.

Mr. President, the Senator from Wisconsin [Mr. SPOONER] and the President of the United States have declared in effect that by the treaty of 1846 Colombia, by guaranteeing free and safe transit to the United States and to American citizens for both persons and articles of lawful commerce belonging to them, carved out of Colombia's sovereignty over Panama some portion of it and conferred it upon the United States, something in the nature of a covenant that runs with the land, and of which the United States could never be deprived; and this in the face of the fact that it is a treaty of peace, amity, and commerce, revokable—every line of it—by the express terms of the treaty at the expiration of twenty years, and at any time after twenty years on the giving of one year's notice by either of the parties to it. Let us examine this pretense and see how utterly devoid of substance it is—let it be settled by the treaty itself.

Taking up section 35 we find that the first part of it is an epitome of most of the sections that have gone before. It is well worth considering and analyzing, because in its analysis will be found the answer to the contentions of the opposing sides. The opening paragraph declares that—

First. For the better understanding of the preceding articles, it is, and has been stipulated, between the high contracting parties, that the citizens, vessels, and merchandise of the United States shall enjoy in the ports of New Granada, including those of the part of the Granadian territory generally denominated "Isthmus of Panama," from its southernmost extremity until the the boundary of Costa Rica, and all the exemptions, privileges, and immunities concerning commerce and navigation, which are now, or may hereafter be enjoyed by Granadian citizens, their vessels and merchandise; and that this equality of favors shall be made to extend to the passengers, correspondence, and merchandise of the United States in their transit across the said territory, from one sea to the other. The Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States.

Not only be open and free to the Government and the citizens of the United States, but—

For the transportation of any articles of produce, manufactures, or merchandise of lawful commerce belonging to the citizens of the United States.

Not only that, but—

That no other tolls or charges shall be levied or collected upon the citizens of the United States or their said merchandise thus passing over any road or canal that may be made by the Government of New Granada, or by the authority of the same, than is under like circumstances levied upon and collected from the Granadian citizens.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER (Mr. KITTREDGE in the chair). Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. SPOONER. If it is not entirely agreeable to my friend, I will not interrupt him.

Mr. PATTERSON. Oh, yes, so that it is reasonable. I mean as to time.

Mr. SPOONER. The Senator from Colorado will, I know, think this is reasonable. He is a very fine lawyer. Does the Senator object to that?

Mr. PATTERSON. We will not discuss that.

Mr. SPOONER. Then I want to put to the Senator from Colorado this question: Is not that a grant, an unequivocal grant, to the Government of the United States for its governmental purposes as well as for its citizens of a right of passage across the Isthmus of Panama and the whole Isthmus?

Mr. PATTERSON. Mr. President, if the Senator from Wisconsin desires to call it a grant, he is at liberty to do so. It is nothing more than the guaranty of a privilege.

Mr. SPOONER. I ask the Senator from Colorado whether where the owner of territory guarantees to a government the right of passage for itself and its citizens across its territory that does not imply a grant as well as a guaranty?

Mr. PATTERSON. I am not going to quibble over terms.

Mr. SPOONER. Oh, well, if that is a quibble——

Mr. PATTERSON. You call it a grant. I call it a privilege, or the grant of a privilege.

Mr. SPOONER. But the grant of a privilege is a servitude.

Mr. PATTERSON. I disagree with the Senator from Wisconsin.

Mr. SPOONER. Of course.

Mr. MORGAN. It is not a servitude.

Mr. PATTERSON. Mr. President, it is the grant of a privilege, such a privilege, by way of illustration, as is given to every

person, white or black, within the District of Columbia of free passage and transit over the street-car lines in the District. All are guaranteed that privilege upon condition that they pay the fare, that they will comply with the reasonable rules and regulations of the company. A privilege of that kind does not deprive the owner of the street-car lines of his property, nor any part of it. If there could be such a thing as sovereignty in connection with individual or company ownership of real estate or personal property, the sovereignty of the owner of street-car lines is intact so far as privileges of that kind might be supposed to interfere with it.

Mr. President, this guaranty is nothing more than this: So long as this treaty lasts the United States and the citizens of the United States shall have free passage and transit over the roads that then existed or upon railroads that might thereafter be constructed or by canals that might thereafter be dug, but conditioned always that they should pay the reasonable tolls and charges, it being stipulated that they should be no greater nor more burdensome than were imposed upon citizens of Granada. These are the express conditions of article 35, which I have not yet read in full.

Mr. SPOONER. Will my friend permit me?

Mr. PATTERSON. Yes.

Mr. SPOONER. I am disappointed by the answer of the Senator from Colorado, because I put him a fair question and he proceeded to make an unfair answer to my question. I asked the Senator from Colorado if the guaranty by the Government of Colombia to the Government of the United States of a right of way or transit across the Isthmus of Panama upon any lines of communication then in existence or thereafter to be constructed did not involve a grant to the Government of the United States and its citizens of that right of way or transit.

Now, if my friend will permit me, there is only one answer to that question. A guaranty applies ordinarily to a third party. If I guarantee the debt of the Senator from Colorado to some one else, that is not a primary obligation. If I guarantee my own debt, if I become my own surety, if I guarantee to the Senator from Colorado the right of passage across my own land, I ask him if that is not, first, a grant, and then a guaranty on my part that he shall enjoy it?

Mr. PATTERSON. Mr. President, there is a vast difference between a grant that attaches to real estate, or a grant that carves out of the sovereignty of a nation some portion of it and confers it upon another, and a grant or guaranty of the right of transit across a country upon such means of communication as may then exist or that may thereafter be constructed by the Government of the country. Nations do not, as mere matter of contract, transfer sovereignty to another country, although it may grant and guarantee another country and its citizens privileges within it.

Mr. SPOONER. Mr. President, will the Senator from Colorado permit me to ask him another question?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. Yes, sir.

Mr. SPOONER. Is not a grant by a government of the right of passage to another government a servitude under international law?

Mr. PATTERSON. It is not a servitude in any legal sense whatever. What I contend is that were this language to be construed by a judge, and if the Senator from Wisconsin were a judge upon the bench at this moment, acting under his oath of office, I am convinced that he would agree with me that this so-called grant is nothing more than the guaranty of the right of transit upon such terms and conditions as might be lawfully imposed, only provided they should exactly correspond with those that were imposed upon the citizens of New Granada, and that it could not, under any circumstances, interfere with the right of the sovereign to suppress insurrection against its power and sovereignty whenever occasion to suppress it might occur.

Why, Mr. President, is it possible that the Senator from Wisconsin will contend that when the sovereign nation of New Granada granted a right of transit, a guaranty of right of transit, to the United States and its citizens, their goods and merchandise, across whatever means of communication existed or might be created, it thereby granted to the United States the right to interfere with that nation in its sovereign power to suppress rebellion or insurrection?

Mr. SPOONER. Now, Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. Certainly.

Mr. SPOONER. If my friend from Colorado will permit me, I will tell him just what I do contend.

I contend that article 35 was both a grant and a guaranty to the United States and its citizens of the right of way or transit across the Isthmus of Panama, defined by that article to constitute the entire Isthmus of Panama from its southeastern boundary to Costa Rica. I contend that it was a servitude granted by Colombia over that territory to the United States and its citizens. I contend that in payment for it the Government of the United States agreed to maintain the neutrality of the Isthmus, and by that I mean to be understood the whole Isthmus of Panama and the rights of sovereignty and property. I contend further, if my friend will permit me—and I will not take time to do more than to state my position—that when Colombia lost control of that territory, when the Republic of Panama was recognized by the United States and by other great governments of the world, that grant of servitude was binding upon the Republic of Panama and the obligation of our treaty of 1846, article 35, to maintain the neutrality of the Isthmus and the rights of sovereignty and property was inherited by the Republic of Panama, and that we became bound by a treaty obligation to protect the whole Isthmus of Panama against any foreign invasion, including any invasion by Colombia, which, from the standpoint of international law, had ceased to have any interest in or sovereignty over the Isthmus of Panama. That is my position.

Mr. PATTERSON. Applying the Senator's contention to the facts as we have them, it is nothing more than that by a treaty that might expire in twenty years; by a treaty that provided for the peaceful settlement of all controversies arising out of a violation of the treaty; by a treaty that provided that there should be no interruption of commerce unless there was full compensation made; by a treaty that gave to another country the right of passage across its territory upon such means of transportation as might then or thereafter exist, that the country making it yielded to the beneficiary the right to prevent it from maintaining its sovereignty over its own territory and that just so soon, however they might be instigated, its citizens might rise against the parent country, the beneficiary under that treaty could under the treaty send its ships and armies to prevent the parent country from suppressing the uprising and enforcing its rule.

Mr. President, it would be something along this line: Suppose it was deemed of mutual benefit to Canada and the United States to jointly construct a railroad from the Atlantic to the Pacific Ocean, running partly in the United States and partly in Canada; that it should lead to a treaty between the two great powers in which Great Britain guaranteed to the United States free transit over that part of the line that was in Canada, and the United States guaranteed to Great Britain free transit over the part of the line within the United States, the grant or guaranty being conditioned that the citizens of each should have the free use of the road on payment of whatever freight or passenger charges were fixed by the owners of the respective sections of the road. Could anybody be found to contend that under such a treaty the United States or Great Britain had bartered away either their right or duty to suppress insurrection or secession within their respective countries?

Mr. SPOONER. Will my friend permit me?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. Certainly.

Mr. SPOONER. I am not discussing with the Senator from Colorado the question whether it was right or wrong for the United States—and I use that expression advisedly—to recognize the independence of the Republic of Panama. I will do that later. That has been done and it is irrevocable, according to all the books.

Now, upon that postulate, what I mean is this: That the obligation created both the grant and the payment; the guaranty of the right of passage or transit upon the part of Colombia became a burden assumed by the successor in proprietorship of the Republic of Colombia, and that the compensation for it, the guaranty of the United States to maintain neutrality over the whole Isthmus, with the rights of sovereignty and property, inured to the benefit of the Republic of Panama.

To illustrate, if my friend will permit me, for I do not want to argue the matter, suppose prior to 1860 the Government of the United States had entered into a treaty with Great Britain by which it granted to Great Britain for forty years the right to navigate, by its ships of war on peaceful missions, and its ships of commerce, the Mississippi River and its navigable tributaries. That would be a servitude according to all the authorities on international law from Vattel down to to-day.

Suppose the Southern Confederacy had succeeded and had become an independent republic or government, recognized by Great Britain, recognized by France, if you please, and by us, would that obligation have been binding on the Southern Confederacy or not? In other words, the Government of the United States, the diplomatic agent of all the States, having before revolt—no, that is not accurate; successful revolution—placed by contract with Great Britain a servitude upon the navigation of the Mississippi, would not the Southern Confederacy, the successor in proprietorship, have taken that territory cum onere;

would it not have taken it subject to the rights of Great Britain to navigate along the Mississippi through the boundaries of the Confederacy and along the Mississippi in the boundaries which would remain of the United States, or, to put it differently——

Mr. PATTERSON. Now, that is perfectly clear.

Mr. SPOONER. Just let me make it clearer, and if the Senator is dissatisfied he can strike it out.

Mr. PATTERSON. I will not strike it out, Mr. President, for this reason, if for no other: This controversy has resulted in good. It has caused the Senator from Wisconsin to define himself as now in conflict with his position heretofore, in conflict with the President and every Senator who has spoken upon his side of the case, as I will attempt to demonstrate.

Mr. SPOONER. Mr. President, I am nobody's mouthpiece in the Senate. I have never had the honor, if it be an honor, to be the mouthpiece of any Administration in the Senate. I leave that to others more honored than I. I proceed here, as my friend does, as a Senator of the United States trying to do the right thing under my oath of office.

I will proceed with my additional illustration, and then I am through. We have had a bargain with Great Britain about the navigation of the St. Lawrence, which was long disputed, culminating in the treaty of 1871. Our right to navigate that river was declared by treaty with Great Britain to be a right to exist forever. Suppose Canada became independent of Great Britain, does the Senator from Colorado contend that she would not take that territory subject to that servitude? Now I am through.

Mr. PATTERSON. Mr. President, as I suggested, this controversy has not been without its benefits. Until this period of the debate Senators upon the other side have been contending—and it is practically the contention of the President—that by the treaty of 1846, without any secession upon the part of Panama, the right to prevent Colombia from interfering with secession of Panama had been conferred upon the United States. It is, Mr. President, much to the credit of the Senator that he has abandoned that position and taken his ground upon the proposition that, Panama having seceded, its independence now being an established fact and recognized by the President of the United States——

Mr. SPOONER. And the Senate.

Mr. PATTERSON. Recognized by the President of the United States, and the treaty of 1846 being yet in force, now, and not before recognition, the United States, so far as Colombia is concerned, and with the consent af Panama, might properly send its troops and ships to protect a treaty ally from coercion back to the parent country.

Mr. DANIEL. Mr. President, may I ask the Senator from Colorado a question illustrative of this matter?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Virginia?

Mr. PATTERSON. Certainly.

Mr. DANIEL. Is it not a fact that the United States was given by Colombia simply the right of travel over her territory for troops and civilians? Is it anything more than the right the Senator has, or any other gentleman has, to travel from here to Richmond or to New York, or for the troops of the United States to travel from here to Richmond or New York? Is it not the mere right of transit over that territory?

Mr. PATTERSON. If the Senator from Virginia——

Mr. DANIEL. And is not a servitude something, if the Senator will allow me, especially annexed to the land, and not a mere aerial way, so to speak?

Mr. SPOONER. A right of way or transit.

Mr. PATTERSON. Right of way or transit or conveyance—that is precisely what it is.

The Senator from Wisconsin having practically abandoned his contention——

Mr. SPOONER. What contention?

Mr. PATTERSON. As I understand the Senator's contention in the many other speeches he has made upon this question, it is that even while Panama was an integral part of Colombia, by reason of this treaty the United States had the right to intervene for the purpose of preventing Colombia suppressing a revolution or a rebellion in Panama provided it interfered with the free transit across the Isthmus. That contention, I understand, the Senator from Wisconsin has abandoned, and he now places his justification for anything that the United States may have done upon the proposition that, Panama having seceded, set up house for itself, being recognized by this country as a separate and independent nation, the obligations of the treaty now devolve upon Panama, and, Panama being willing, of course the United States may use its troops and ships for its protection.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. Yes.

Mr. SPOONER. I have not abandoned the position which the Senator from Colorado imputes to me—that is, he imputes it, because I never took it.

Mr. PATTERSON. Then, Mr. President, it is all the better for the Senator from Wisconsin that he has not taken it. I thought he had. It justifies the high opinion that I had of his legal acumen and independence. [Laughter.] He is not willing to follow the President and Administration and other Senators in support of this absurd proposition they have put forward.

Mr. PLATT of Connecticut. Nobody has taken that position.

Mr. SPOONER. Mr. President, nobody has taken it. The President of the United States has not taken it.

Mr. PATTERSON. I will demonstrate that a little later.

Mr. SPOONER. Perhaps.

Mr. PATTERSON. Not to your satisfaction, perhaps.

Mr. SPOONER. I have not taken that position. I have said that a performance by Colombia of her guaranty required that she should seasonably provide against insurrection and revolt which would interrupt the transit across the Isthmus, and I have said—and I do not abandon it—that if Colombia failed in the discharge of that guaranty, out of her failure arose our right to prevent interruption of that transit in a contest between Colombia and her own people. That is what I have said, and I maintain it.

I have said another thing, Mr. President, for which I am criticised by the New York Evening Post, which criticises me without taking the trouble to understand what I said; and that was that, treaty or no treaty, the commander of the *Nashville*, being with his war ship at Colon and being apprised of danger to American citizens on the Isthmus, had a right to disembark his marines to protect American citizens and American interests. That is the duty of a government without treaty. We had no treaty right explicitly——

Mr. PATTERSON. But we are not discussing that.

Mr. SPOONER. I am discussing that, because the Senator does not state correctly my position. We had no treaty right explicitly to send Chaffee at the head of our troops and Reilly's battery to protect our legation in China. That is not a right that comes from treaty.

Mr. PATTERSON. Oh, I know that.

Mr. SPOONER. That is a right that comes from God—not simply to a nation, but to man. I repeat, Mr. President, that under the circumstances, if the commander of the *Nashville*, informed that American citizens—men, women, and children—on the Isthmus of Panama were threatened by Colombian troops with extinction, had not landed his marines to protect them, he ought to have been dismissed the service in disgrace. Does my friend challenge that?

Mr. PATTERSON. Oh, no. I was going to say, Mr. President, that I will reach the *Nashville* after a while. It is not at all germane; it bears no relation whatever to the matter we are discussing. I propose to stick to the text, and when we come to the *Nashville* we will take that matter up.

The Senator from Wisconsin announced a proposition that I would not controvert seriously; not the *Nashville* proposition, but this, that if Colombia had failed in its duty in moving its forces to suppress rebellion and insurrection, if it had allowed them to run riot on the Isthmus, then perhaps the United States might, under well-established rules of international law, have intervened for the protection of American interests.

But, Mr. President, the difficulty with the situation is this: Colombia was prevented by the United States from taking the first step that was necessary to put down the so-called insurrection. Before the uprising occurred the President of the United States cabled to the commanders of the American war vessels and notified them to permit no Colombian troops to land anywhere on the Isthmus.

Mr. PLATT of Connecticut. Did that prevent their landing?

Mr. SPOONER. Will the Senator allow me to correct him?

Mr. PATTERSON. If it is a correction.

Mr. SPOONER. The President of the United States did not do anything of the kind. The Acting Secretary of the Navy——

Mr. PATTERSON. Oh, that is somewhat technical.

Mr. SPOONER. Perhaps it is.

Mr. PATTERSON. Yes; that is technical.

Mr. SPOONER. But I will tell you why it is not exactly technical. We occupy here a peculiar relation to the President of the United States. He is entitled to respect from us and fair treatment from us. I think my friend will agree with me that in references to the President of the United States we ought to be entirely accurate.

Mr. PATTERSON. Yes, indeed.

Mr. SPOONER. The Senator means, undoubtedly, the telegram from Mr. Darling, Assistant Secretary of the Navy.

Mr. PATTERSON. Several telegrams.

Mr. SPOONER. Yes; but I want to ask the Senator——

Mr. PATTERSON. And I mean this, too, that it is not within

the nature of things that a single one of those telegrams could have been sent without the full approval, if not the direction, of the President.

Mr. PETTUS. Mr. President, I make the point of order that this conversation is not according to the rules of the Senate.

Mr. SPOONER. Mr. President, the Senator from Alabama is, of course, right. He is always right on questions of parliamentary etiquette. I regret that in this respect, as in many others, I have offended, and I want to exculpate my friend the Senator from Colorado from any animadversion which grows out of the observation of the Senator from Alabama.

I wish to ask my friend the Senator from Colorado, does he contend that any troops sent by Colombia or designed to be sent by Colombia to repress disorder on the Isthmus prior to the recognition of the Republic there were prevented from landing?

Mr. PATTERSON. No; I do not.

Mr. SPOONER. Well, Mr. President——

Mr. PATTERSON. Let me answer the question fully.

Mr. SPOONER. Yes.

Mr. PATTERSON. The 400 soldiers upon the *Cartagena* arrived there, I believe, on the 2d of November?

Mr. SPOONER. Yes, sir.

Mr. PATTERSON. At that time, the *Nashville* being in port, the commander of the *Nashville* had not received the message from the Navy Department, which I believe the Senator from Wisconsin will admit was practically to all intents and purposes the message of the President.

Mr. SPOONER. Well?

Mr. PATTERSON. I do not mean it in any offensive sense.

Mr. SPOONER. It is not offensive.

Mr. PATTERSON. I do say that before the *Cartagena* reached the port, the Department at Washington, as I believe, under the direction of the President, because no Secretary or Acting Secretary would have dared to issue orders of that character, in such a crisis, without the knowledge and approval of the President, notified the commanders of two or three American warships to permit no Colombian troops to land anywhere upon the Isthmus of Panama, expecting, as they did in Washington, that when the troops went to Panama they would go there for the purpose of suppressing the rebellion that was then expected to break out, and these troops were prohibited from going from Colon to Panama by the commander of the *Nashville* under the orders he had received from the Department here.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. I do.

Mr. SPOONER. Of course this is a great transaction and it gets down, as I understand the Senator, to a criticism, not of what happened or what was done, but a criticism of one or two cablegrams. Am I wrong about that?

Mr. PATTERSON. Oh, I think that is quite unworthy of the Senator from Wisconsin.

Mr. SPOONER. Does it get down to that?

Mr. PATTERSON. No, sir; it does not get down to that. That is only a part of it.

Mr. SPOONER. I put again, then, to my friend the Senator from Colorado the question whether prior to the recognition of that Republic any troops which Colombia sent to be landed on that Isthmus to repress disorder were, in fact, prevented by the United States from landing.

Mr. PATTERSON. I say no, and then yes; and why? There was not even a child within the limits of the country who had any conception of public matters who did not know that the orders which had been issued from Washington contemplated the absolute prevention of the landing of a single Colombian soldier upon the territory of Panama.

Mr. SPOONER. Did the Senator from Colorado, who is not a child by any means, know it until the President's message to the House which contained the cablegrams? I did not.

Mr. PATTERSON. I can not recall now the exact hour and day when these official communications were given to the public or to the Senate, but there is one thing I can say with absolute truth, that immediately upon the announcement of the so-called rebellion came the information, whether through the publication of the full orders or not, that the United States had taken the insurrection under its wing and would not permit Colombia to interfere with its rebellious subjects in any way.

Mr. SPOONER. I do not know how it may be with my friend the Senator from Colorado, for whom I have really great respect and admiration, but for myself I did not know anything about this insurrection until I read it in the newspapers. I did not know that these telegrams had been sent until they were given to the public in these messages. I have not been able to ascertain—perhaps the Senator from Colorado can correct me—that the Republic of Colombia was prevented by the United States forces from landing any troops which were sent to the Isthmus prior to the recognition of the Panama Republic.

Mr. PATTERSON. If it were not for the intense admiration, the unbounded and unlimited admiration, that I have for the Senator from Wisconsin, I would say that that is a mere quibble.

Mr. SPOONER. Well, that is——

Mr. PATTERSON. None were actually prevented, while he admits that the orders had gone forth before the so-called rebellion occurred, that none should be permitted to land.

Mr. SPOONER. Ah, but Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. PATTERSON. Certainly.

Mr. SPOONER. I have said in debate here before that I would not, I think, although I am not absolutely certain about it, have placed in one of the telegrams that 50-mile limit; but the people of the United States, in a great transaction involving much for all time, will try the Administration upon what was done, not upon a mere partisan, technical criticism of cablegrams which were sent to naval officers, not to the world; and that is where my friend and I differ.

Mr. PATTERSON. We are trying this case upon the things that were done.

Mr. SPOONER. I want to thank the Senator from Colorado for permitting the interruptions. I assure him that I had no thought whatever to annoy him.

Mr. PATTERSON. No, you have not annoyed me.

Mr. SPOONER. We are trying to get at the truth and we ought to get at the truth, and we ought to try this whole case upon the facts, the substantial facts, not on any mere leather and prunello.

Mr. PATTERSON. I want to say to the Senator from Wisconsin that he has not annoyed me in the least. I think the interruptions have resulted in clearing the atmosphere of some of the fog that obstructed vision before the discussion commenced. I sincerely thank the Senator from Wisconsin for his interruptions and for the frank manner in which he has stated his position.

Mr. President, the senior Senator from Illinois [Mr. CULLOM] suggested that he desired an executive session, and under those circumstances I should like to suspend now and resume to-morrow.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Colorado in the morning.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 819) to quitclaim all interest of the United States of America in and to all of square 1131, in the city of Washington, D. C., to Sidney Bieber;

A bill (H. R. 3584) to authorize the subdivision of lots or blocks in the District of Columbia;

A bill (H. R. 6289) to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes;

A bill (H. R. 7023) to amend an act to regulate the height of buildings in the District of Columbia; and

A bill (H. R. 9311) in relation to the establishment of building lines in the District of Columbia.

BUSINESS STREETS IN THE DISTRICT.

The bill (H. R. 9292) in relation to business streets in the District of Columbia was read twice by its title.

Mr. GALLINGER. The Committee on the District of Columbia of the Senate has reported favorably on a similar bill. It will take but a moment to pass the House bill, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent for the present consideration of a bill, which will be read for information.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the last proviso of the act of July 1, 1898, entitled "An act to vest in the Commissioners of the District of Columbia control of street parking in said District," so as to read as follows:

That the Commissioners of the District of Columbia are authorized and directed to denominate portions of streets in the District of Columbia as business streets and to authorize the use, on such portions of streets, for business purposes by abutting property owners, under such general regulations as said Commissioners may prescribe, of so much of the sidewalk and parking as may not be needed, in the judgment of said Commissioners, by the general public, under the following conditions, namely: First, where in a portion of a street not already denominated a business street a majority of a frontage not less than three blocks in length is occupied and used for business purposes; and, second, where a portion of a street has already been denominated a business street and there exists adjoining such portion a block or more whose frontage is occupied and used for business purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The bill (S. 3157) in relation to business streets in the District of Columbia will be indefinitely postponed.

INTEROCEANIC CANAL CONGRESS OF 1879.

Mr. TELLER. In 1879 we sent Rear-Admiral Ammen and Chief Engineer Menocal as delegates to the Interoceanic Canal Congress held in Paris. I can find but a single copy of the report they made to the Government, and it is in the Congressional Library. There is none in the Senate library or the House library, and I ask to have it printed as a document.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent that there be printed as a document the report of the engineers referred to. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, January 20, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 19, 1904.

CONSUL-GENERAL.

Fleming D. Cheshire, of New York, to be consul-general of the United States at Mukden, China, to fill an original vacancy.

CONSULS.

Edwin V. Morgan, of New York, to be consul of the United States at Dalny, China, to fill an original vacancy.

James W. Davidson, of Minnesota, to be consul of the United States at Antung, China, to fill an original vacancy.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 19, 1904.

PROMOTION IN THE MARINE CORPS.

First Lieut. Rush R. Wallace, jr., of the Marine Corps, to be a captain in the Marine Corps from the 19th day of November, 1903.

MARSHAL.

James A. Toler, of Mississippi, to be United States marshal for the northern district of Mississippi.

COLLECTOR OF CUSTOMS.

Ezra B. Bailey, of Connecticut, to be collector of customs for the district of Hartford, in the State of Connecticut.

APPRAISER OF MERCHANDISE.

Luman T. Hoy, of Illinois, to be appraiser of merchandise in the district of Chicago, in the State of Illinois.

POSTMASTERS.

PENNSYLVANIA.

John W. Beers to be postmaster at Marysville, in the county of Perry and State of Pennsylvania.

SOUTH CAROLINA.

Joshua E. Wilson to be postmaster at Florence, in the county of Florence and State of South Carolina.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 19, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

PRINTING AND BINDING.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I have sent to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Committee on Industrial Arts and Expositions be authorized to have such printing and binding done as may be required in the transaction of its business.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the resolution is agreed to.

PURE FOOD.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that the bill (H. R. 6295) for preventing the adulteration, misbranding, and imitation of foods, beverages, etc., be now taken up and considered, and I ask that it may be made the continuing order until disposed of, not to interfere, however, with appropriation bills.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 6295) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic, and for other purposes.

The SPEAKER. The gentleman from Iowa asks unanimous consent that this bill may be taken up and considered in the House as in Committee of the Whole, and to be made the continuing order, not to interfere with appropriations or revenue bills. Is there objection?

Mr. SULZER. Reserving the right to object, Mr. Speaker, I would like to inquire if this bill has been reported from a committee?

Mr. HEPBURN. Oh, yes, sir.

Mr. SULZER. What committee?

Mr. HEPBURN. From the Committee on Interstate and Foreign Commerce.

Mr. SULZER. Was the report a unanimous report?

Mr. HEPBURN. No; I think there are two dissenting members, so far as I know. They have made a minority report. They are here in the House.

Mr. ADAMSON. And our report will be filed.

Mr. SMITH of Kentucky. Mr. Speaker——

The SPEAKER. To whom does the gentleman from Iowa yield?

Mr. HEPBURN. To the gentleman from Georgia [Mr. ADAMSON] who has made a minority report.

Mr. SMITH of Kentucky. Mr. Speaker, I object to the present consideration of the bill.

The SPEAKER. The gentleman from Kentucky objects. The Clerk will call the committees in their regular order.

BRIDGE OVER NEWARK BAY.

Mr. HEPBURN (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, I call up the bill H. R. 6805.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 6805) to amend an act entitled "An act to bridge the Newark Bay," approved February 18, 1895.

Be it enacted, etc., That the act entitled "An act to bridge the Newark Bay," approved February 18, 1895, be, and it is, amended by striking out of said act section 2 thereof, as follows, namely:

"SEC. 2. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the approval of this act."

The amendment recommended by the Committee on Interstate and Foreign Commerce was read, as follows:

Strike out all after the word "five," in line 5, and insert the following in lieu thereof:

"which act has expired by limitation, be, and is hereby, revived and reenacted.

"SEC. 2. That section 2 of the said act is hereby amended so as to read as follows:

"'SEC. 2. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from February 18, 1904.'"

Mr. PARKER. Mr. Speaker——

Mr. HEPBURN. I will yield to the gentleman from New Jersey.

Mr. PARKER. Mr. Speaker, on that bill the gentleman who introduced it [Mr. BENNY] and myself have been before the Board of Engineers, and we have agreed to lay that bill over until a proper amendment could be made which would protect the interests of everybody upon the rivers. We have been there this morning, and we were there a day or two ago, and I am very much surprised, and I think the introducer is also, to find that bill brought up. I should ask that it be laid over until the next call of committees.

Mr. RICHARDSON of Alabama. Will the gentleman from New Jersey allow me to interrupt him?

Mr. PARKER. I will yield to the gentleman.

Mr. RICHARDSON of Alabama. You say that you want the bill laid over. What are the amendments you desire?

Mr. PARKER. The amendments are with reference to the mode of construction of the bridge—amendments which both of us, representing waters above the bridge, think ought to be made and of which a copy was to be submitted to parties interested on Thursday of this week, so that we could know something about what they thought and what improvements would be satisfactory to all hands.

Mr. RICHARDSON of Alabama. There is no minority report on the bill?

Mr. PARKER. There is no minority report simply because there were no hearings of the interests involved. Circumstances have changed on the river very greatly since the original bill was passed years ago. Large appropriations have been made, not so large as we desired, but appropriations for the improvement of the river.

Mr. RICHARDSON of Alabama. Within what time is work to commence on the bridge, and to what time are they limited?

Mr. PARKER. One year from February 14 for beginning under this act. The old act has expired. This is really a new act limiting them to a year from February 14 for beginning the bridge, and to three years from that date to complete it. My colleague from New Jersey [Mr. BENNY], representing the counties that desire that bridge, likewise represents a district which is upon the river above the bridge, and we have found, in looking over the bill, that amendments were really necessary for the protection of navigation. We have substantially agreed upon amendments; but as we are not certain that we are right, we wish to consider them and see that they are right before the bill is brought up; and it was understood between both of us that the bill should not be brought up until we perfected those amendments. I now yield to my colleague from New Jersey [Mr. BENNY].

Mr. BENNY. Mr. Speaker, the statement by my colleague from New Jersey is entirely correct. If the object of bringing up the bill now is to get some time to discuss some other subjects, I have not the slightest objection. In fact, I am so well pleased to hear the gentleman from Iowa that I am willing that he should take up the rest of the hour, but I hope that this North Bay bridge bill may be laid aside until the matter with the law department can be straightened out.

Mr. HEPBURN. Mr. Speaker, I am very sorry for these gentlemen that this situation has come up, but their bill unfortunately is to be a vehicle on which we can ride out an hour's time. [Laughter.] It serves a wholesome purpose, however. This episode will illustrate the fact that the gentleman from Kentucky [Mr. SMITH], by an objection I think he did not especially care to make, in connection with the bill that he has no possible——

The SPEAKER. Will the gentleman from Iowa suspend? The Chair desires to suggest to the gentleman from Iowa that if he desires this bill can be passed without prejudice, and, if the call of committees is proceeded with, the Chair is of opinion that at the end of sixty minutes the gentleman can be recognized to make any motion that he may desire, or if the call expires before sixty minutes, and the committees have all been called, the gentleman's motion will be in order if he desires to reach the Union Calendar. When the call of committees is completed, even though sixty minutes be not used, it would be in order, the Chair thinks, and at the end of sixty minutes whatever may be under consideration.

Mr. HEPBURN. Very well, Mr. Speaker; I think that ends my desire to make a speech upon this bill. [Laughter.] I will therefore withdraw my application to take up the bill.

The SPEAKER. If there be no objection, this bill will be passed without prejudice. The Chair hears none. The Clerk will resume the call of committees.

Mr. HULL (when the Committee on Military Affairs was reached). Mr. Speaker, I ask that the Committee on Military Affairs be passed without prejudice. I have sent for a bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the Committee on Military Affairs be passed without prejudice. Is there objection?

There was no objection.

Mr. LACEY (when the Committee on the Public Lands was reached). Mr. Speaker, I ask unanimous consent that the Committee on Public Lands be passed without prejudice.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the Committee on Public Lands be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

TRANSFER OF MILITARY ROLLS AND RECORDS.

Mr. HULL. Mr. Speaker, I have now received the bill, or the resolution, that I sent for. I call up House joint resolution No. 29, providing for the transfer of certain military rolls and records from the Interior and other Departments to the War Department.

The Clerk read the joint resolution, as follows:

Joint resolution providing for the transfer of certain military rolls and records from the Interior and other Departments to the War Department.

Resolved, etc., That the military rolls and records of the Indian wars or any other wars prior to the civil war, now preserved in the Interior or other Departments, be transferred to the War Department, to be preserved in the Record and Pension Office of that Department, and that they shall be properly indexed and arranged for use.

Mr. HULL. Mr. Speaker, if anyone desires information, the report will give very full information in the matter. It is simply to authorize the transfer of rolls that have been prepared for transfer to the Department and are now in boxes awaiting the formal action of Congress. It is requested by the Secretary of the Interior, and is in the nature of good administration, to preserve the Indian war records by placing them with the records of the civil war and other wars in the Record and Pension Bureau of the War Department, where all other records of the wars have heretofore been placed.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The question was taken; and the joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

The Clerk resumed and concluded the call.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On January 15, 1904:

H. R. 9866. An act making appropriations for clearing the Potomac River of ice and for the removal of snow and ice in the District of Columbia; and

H. R. 9160. An act to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904," approved March 3, 1903.

CALAVERAS GROVES OF BIG TREES.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying documents, was ordered to be printed, and referred to the Committee on the Public Lands:

To the Senate and House of Representatives:

I transmit herewith a petition to the President of the United States to aid in preserving the Calaveras groves of big trees, submitted by the Calaveras Big Tree Committee and the citizens of California and elsewhere.

I cordially recommend it to the favorable consideration of the Congress. The Calaveras big tree grove is not only a Californian but a national inheritance, and all that can be done by the Government to insure its preservation should be done.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 15, 1904.*

RELATIONS OF THE UNITED STATES WITH COLOMBIA AND PANAMA.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying documents, was ordered printed, and referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a report from the Secretary of State covering copies of additional papers bearing upon the relations of the United States with Colombia and the Republic of Panama.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 18, 1904.*

PURE-FOOD BILL.

Mr. HEPBURN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6295) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes.

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The question was taken; and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LAWRENCE in the chair.

The Clerk reported the bill.

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the further reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HEPBURN. Mr. Chairman, my colleague the gentleman from Georgia [Mr. ADAMSON] has made the minority report from the Committee on Interstate and Foreign Commerce on this bill. I would like to know from him if it is practicable now to determine what time may be used in the general discussion of the bill.

Mr. ADAMSON. The request that has been made to me for time upon this side, I will state, will consume two hours. It is suggested, however, that others might desire time, and perhaps we better just proceed and see how things develop.

Mr. HEPBURN. If the gentleman will consent, I would rather we fixed the time. I would be very glad if we could get through with the bill to-day. I understand there will be appropriation bills to-morrow, and that it is desirable that we should conclude to-day if we can. I will be pleased, therefore, if he would consent that there might be four hours of debate, two on his side, to be controlled by him on the side of the minority, and two on this side, to be controlled by my colleague the gentleman from Illinois [Mr. MANN] who made the report of the committee for the majority.

Mr. ADAMSON. Of course, Mr. Chairman, I wish to afford

all opportunity desired that I can for debate on this side of the House. I suggest to the gentleman from Iowa and to the minority leader, the gentleman from Mississippi [Mr. WILLIAMS], that we vote on the bill to its passage at a quarter of 5 o'clock.

Mr. HEPBURN. I think there is no objection to that—say half past 4 o'clock.

Mr. WILLIAMS of Mississippi. I think we can begin to vote at a quarter to 5.

Mr. HEPBURN. Very well.

Mr. SHACKLEFORD. Mr. Chairman, I would like to interrupt the gentleman from Iowa just a moment. It may be that some on this side would desire to offer amendments to the bill, and if a quarter to 5 o'clock be the time set for voting upon the bill, when will it be read under the five-minute rule, so that amendments may be offered?

Mr. HEPBURN. At some time earlier than that.

Mr. SHACKLEFORD. I think there should be some understanding, so that amendments will not be cut off.

Mr. ADAMSON. I say two hours on this side for debate; but so far as our position is concerned, it does not depend on the question of amending or not amending the bill. It is the principle of the bill on which I make my fight.

Mr. HEPBURN. There is only a quarter of an hour difference between us.

Mr. ADAMSON. Say four hours.

Mr. HEPBURN. Four hours of debate, to be controlled equally by the gentleman from Illinois [Mr. MANN] and the gentleman from Georgia [Mr. ADAMSON].

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that general debate on the pending bill continue for four hours, the time to be controlled equally by the gentleman from Illinois [Mr. MANN] and the gentleman from Georgia [Mr. ADAMSON]. Is there objection?

There was no objection.

Mr. HEPBURN. Mr. Chairman, I yield to my colleague on the committee, the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. Mr. Chairman, the pending bill is practically the same bill that was passed by the House at the last session of Congress; and while the committee, as a matter of convenience in inserting the minor verbal amendments, have presented a substitute for the bill, it is the same pure-food bill that has been acted upon before. And it might be well to say that this is not a hasty proposition. Almost the same bill was presented as long ago at least as the Fifty-fifth Congress, under the name of the Brosius bill. Various pure-food conventions or congresses have been held from time to time of people interested in this subject from all over the United States, and there has been a practically unanimous opinion, finally converging upon the bill which is now presented to the House. The bill meets the approval also of the officials of the Government in the Bureau of Chemistry of the Agricultural Department, whose particular duty it has been and is to give investigation and study to the subject of impure and adulterated foods.

Some minor amendments have been made to the bill, and section 12 of the substitute is new so far as this bill is concerned, but it puts into the pure-food law the law as it now stands in force through the Agricultural appropriation bill of last year.

The need of pure-food legislation, Mr. Chairman, is without contradiction. As the laws now stand, the various States of the Union are authorized to control the subject of the purity or impurity of food products within the limit of their own States, but not to interfere with food products shipped from one State to another until they are finally offered for sale.

Under this bill it is proposed in general language to give to the Bureau of Chemistry of the Agricultural Department the power to make examinations of all kinds of food products and drug products and to fix for them a standard of purity, and then to forbid interstate commerce in articles which are found to be adulterated or misbranded. The whole theory of the bill is to aid and supplement the efforts of the local State authorities. It is not proposed that the General Government shall in any way interfere with the State pure-food inspectors or the State pure-food laws, but that the General Government shall aid such efforts of the States to the extent of forbidding interstate commerce in articles which are now forbidden as subjects of State commerce.

There is no article of food to-day, or almost no article—honest, perhaps, of its character—which does not meet in the market competition with dishonest, misbranded, or adulterated articles. Some gentlemen have been so kind as to examine a very nice-looking bottle of wine which I hold in my hand. No better colored article of high sauterne was ever shown, but the color comes from the use of sulphur, and the article itself is injurious to the stomach and damaging to the health.

Under the legislation which is now in force in the annual appropriation bill, and which we propose to put into permanent law, this article of wine imported from a foreign country will be forbidden entrance into the United States. No one could tell by the color or the taste of the article that it was injuriously affected by the use of sulphur, but the chemical analysis shows that this wine has so much sulphur in it and has been treated chemically by the use of sulphur to such an extent that very much use of it would injure the well and perhaps kill the ill.

Here is another bottle of wine which we propose to shut out of the country because it has in it, to prevent fermentation, salicylic acid, which everybody admits is a good preservative of dead articles and exceedingly good to kill living persons.

Here is another article—a German manufacture of sausage—forbidden to be sold in Germany; but under the law which was in force in this country, the German makers made this sausage with large amounts of boracic acid in it to preserve it and shipped it from Germany to this country, thinking perhaps that what was not good enough for live Germans would be good enough to kill Yankees.

There are many articles of the same sort, which have been presented before the Committee on Interstate and Foreign Commerce. I have here a sample of "preserved raspberries," imported from Germany, colored with aniline dye, a poison, and sweetened with glucose. I am not informed at this moment whether there were any raspberries originally used in the manufacture of this article; but we have had shown to us repeatedly "strawberry preserves" in which the only likeness to a strawberry was the reddish color and the clover seed. There are or have been large quantities of that kind of preserves put up and sold in the market where people were deceived into believing that they were eating "strawberry preserves" because they were munching clover seed between their teeth.

It is not necessary, Mr. Chairman, to repeat to this committee the necessity for some legislation upon this subject. It is proper, however, to state to the committee that the proposition of the bill is to organize the present Bureau of Chemistry of the Agricultural Department into a department of chemistry and foods and to give that Bureau, under the direction of the Secretary of Agriculture, authority to collect samples of foods and drugs in interstate traffic throughout the United States and make examinations of them for the purpose of testing their purity or impurity.

Mr. HENRY of Connecticut. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Connecticut?

Mr. MANN. I do, gladly.

Mr. HENRY of Connecticut. Will the gentleman tell us what additional authority this bill confers upon the Bureau of Chemistry, in the Department of Agriculture, that is not already enjoyed by that Department?

Mr. MANN. Mr. Chairman, the authority conferred by this bill is at present, in that respect, enjoyed by the Bureau of Chemistry of the Agricultural Department, but the authority is conferred in the annual appropriation bill and is not in the form of permanent law. This bill simply puts what is now in the appropriation bill into the shape of a statute, which continues the authority without being put into the bill every year.

Mr. HENRY of Connecticut. The explanation is very satisfactory.

Mr. MANN. Now, in addition to conferring upon the Department of Agriculture the authority to make investigations, we propose to permit them to fix the standards of pure foods, so that we may know what is the standard, for instance, for milk or other articles about which there may be a difference of opinion in interstate commerce. I take it that in the city of Washington, and in every large city in the country, the local legislative body has fixed for that city the standard, for instance, for milk, determining the quantity of butter fat which must be found in the milk and the quantity of butter fat which must be found in cream; but in this bill we also define what shall be termed misbranded articles and what shall be termed adulterated articles.

We say that under the term "drugs" shall be included all medicines and preparations recognized in the United States pharmacopœia for internal or external use. That will include all classes of drugs. We say that the term "food" as used in the bill shall include all articles used for food, drink, confectionery, or condiment by man or domestic animals, whether such article be simple, mixed, or compound. We endeavor to cover in that respect the whole range of subjects which may be used as medicines or food or drink by the human person or by domestic animals.

We term "misbranded" those drugs or articles of food or articles which enter into the composition of foods the package or label of which shall bear any statement regarding the ingredients or substances contained in such article, which statement shall be false or misleading in any particular, either as to the substance of the food or as to the country or territory in which it is manu-

factured or produced. And then we define what are adulterations, and we say that by the bill any article of food or drink shall be considered adulterated which has its quality or strength reduced, or which has any substance substituted wholly or in part for the article itself, or which has any valuable constituent of the article abstracted, or which is an imitation of some other article with a distinctive name, or which is mixed, colored, powdered, or stained so as to conceal damage or inferiority, or which has added to it any poisonous ingredient, or which is labeled or branded so as to mislead the purchaser, or which consists in whole or in part of decayed matter or the product of a diseased animal.

We simply endeavor to cover the subject so that foods may be sold for what they are; so that impure foods or foods deleterious to health may not be sold at all in interstate traffic.

Mr. Chairman, it was not my purpose to speak at any length upon a subject so patent as this. We have had these bills before Congress for years. We have had them before various conventions of all sorts. They have been a subject of interest to the manufacturing concerns of the country and to the commercial interests of the country, and I believe that in this bill the people particularly interested in pure foods and the commercial interests of the country feel that they can unite upon its provisions. For years some of the manufacturers and producers objected to pure-food legislation, but they have recognized the inevitable necessity that there should be legislation and have come to see that the Government must, in fulfilling its functions, see to it that impure foods shall not hide behind a constitutional provision forbidding the States to interfere in interstate commerce.

Mr. Chairman, I reserve the balance of my time.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. I sympathize with and am in favor of the general provisions of your bill. What I do not understand, however, is this: Is there not law now on the statute book sufficient to prevent the introduction from foreign countries of deleterious food substances such, for instance, as you have referred to? Can they not now be prohibited, under existing statutory law, from being introduced from foreign countries, if the articles are deleterious?

Mr. MANN. Mr. Chairman, in the annual appropriation for the Agricultural Department there was inserted a provision, which is now the law, practically the language of section 12 of this bill, and the purpose of putting it into this bill is twofold. First, if the bill pass, to have the pure-food legislation in one act and one place in the statutes for the sake of convenience; and second, because the Agricultural Department in the enforcement of the law thinks a few verbal amendments are needed, and these are inserted. That is the only change. They are now keeping these impure articles from being imported from abroad.

Mr. STEPHENS of Texas. I understand the States are powerless to protect themselves for the reason that interstate commerce will prevent the State legislatures from protecting their States. Is that your argument?

Mr. MANN. The States, under the interstate-commerce clause of the Constitution, can only take the food after it gets out of the original package in the States and is offered for sale, but can not reach food passing from one State to another. So they are powerless.

Mr. STEPHENS of Texas. Then, that being the case, I think the bill should pass.

Mr. MANN. I reserve the balance of my time, Mr. Chairman.

Mr. ADAMSON. Mr. Chairman, I ask for the reading of the minority report in my time.

The Clerk read as follows:

VIEWS OF THE MINORITY.

I regret my inability to concur with the majority of the Committee on Interstate and Foreign Commerce in reporting with favorable recommendation House bill No. 6235, "For preventing the adulteration, misbranding, and imitation of foods, beverages," etc.

Aside from my partiality for the old-fashioned idea of leaving the greater part of government to be administered by local authority, I object as a Member of Congress to imposing on the Federal Government subjects of legislation and litigation wholly foreign to its purpose, and which, if at all effective, must prove burdensome, annoying, and expensive.

The founders of our Republic, fully appreciating the blessings of good government and the evils of bad government, though not as well up as we on amassing profits and figuring discriminating tariffs, had no thought that the Federal Government could possibly embark in the business of regulating the menu or the table etiquette of the citizens of the States. The line of argument that supports this bill would apply as well to any and all avenues of human business and conduct. It is insisted that this legislation is necessary to protect against frauds in interstate commerce, but I listened and cross-examined in vain during our long hearings during the present and preceding Congresses to find a single situation which could not be reached more certainly and effectually by the State courts.

The fundamental mistake seems to be that people imagine the Federal Government may take their troubles off their hands and punish so-called violators anywhere, regardless of locality and without difficulty or expense to those invoking its aid, entirely losing sight of the elementary principles that the venue must be laid in the same way for trials in Federal and in State courts, and proof must be forthcoming to convict in either. Whatever may be the privileges of shipping and selling in unbroken packages under the interstate-commerce law, it has never been pretended that a State can not punish common cheats and swindlers if they deceive as to the character of the article sold, or if they sell one thing and deliver another in its stead, no matter whence the package may have come nor whether broken or unbroken.

Nor do I believe a single State in this Union capable of refusing to provide for such punishments. The hearings have disclosed some bad conduct in the food trade, as well as in some other departments of life and business, but it is all properly cognizable in State courts, and in my judgment not comparable with the possible evils resultant from the proposed legislation, which I would oppose as utterly unnecessary, if no other objection existed.

W. C. ADAMSON.

I favor the enactment of much contained in this measure, but some of its provisions are so distinctively sumptuary that I believe the bill ought not to pass without amendment.

D. W. SHACKLEFORD.

Mr. ADAMSON. Mr. Chairman, the minority report just read from the Clerk's desk substantially embodies my views in opposition to this bill, and as several of my colleagues desire to share my limited time, I shall not trespass upon the attention of the House very much in addition to what is contained in the report.

There are some amendments which I might have suggested, and I would have done so if I had had any encouragement; but discovering none, I did not encumber the RECORD or take the time of the committee to offer them.

For instance, I would have been willing to take the first section and half of the third section, providing for investigation and publicity, authorizing the Federal Government, with its superior facilities and powers, to gather information and to publish for the benefit of the people the results of the investigation, eliminating from the bill all the other drastic and, as I consider, unnecessary provisions.

I would have been willing, however, to have retained the provision relating to commerce with other nations. I recognize the propriety as well as the constitutionality of that. There was a provision put on by amendment in the committee, and now a part of the substitute bill reported, prohibiting the importation into this country of adulterated and impure foods. I would have been willing to amend by limiting other provisions of the bill to the District of Columbia and the Territories. But the District of Columbia and the Territories, already having legislation, objected to being touched at all by this bill, and if they had been taken out it would have been like taking the character of Hamlet out of the play of "Hamlet." It would have taken out all that Congress, in my judgment, could with propriety legislate about.

I investigated closely and examined the witnesses closely during the long hearings in a preceding Congress and in this Congress. I failed, however, to develop a solitary situation which could not be met and effectively remedied by the local authorities in the various States and Territories of this Union.

Now, Mr. Chairman, perfectibility is not available or obtainable under human laws. Sometimes people discover that evils are existing and instead of endeavoring to remedy them themselves or appealing to the local authority for that, they think that Congress, being omnipotent, can always with propriety do all things, and have been blindly rushing to Congress. Sometimes they are not so blind. I imagine that I can see occasionally in the hearings some faint suspicion that perhaps some interests would be benefited by legislation that would operate against some other interest.

I also suspect, as a lawyer, that perhaps some people who wanted to prosecute others imagined that they could do so in the Federal courts at the expense of the United States and not at the expense of their own pockets, whereas in the State courts they must retain a lawyer or act as their own lawyer, and in that event have a fool for a client and proceed at their own expense. That, I suspect, might make some difference. But I fail to find any excuse for legislating that the Federal Government, its executive officers, and courts shall be at the expense of intermeddling with the arrangements and the private domestic affairs of the people, which we know from our experience and observation are much more effectually and satisfactorily transacted by the local authorities.

It is an axiom that the people who are governed the least are governed the best, and the next best axiom is that those people who govern themselves are governed the best, and the finest feature of our Federal system is that the people in each community, knowing the evils, the conditions, knowing the people, being within the vicinage, and understanding all the circumstances, can discharge that part of the public duties better than it can be done from the central authorities.

Now, there need be no misunderstanding about this subterfuge as to the interstate-commerce law. Of course Congress can regulate commerce, and of course the States can not interfere with that commerce considered as legitimate commerce; but no lawyer has ever asserted, no court has ever held, no Federal Constitution or law has ever provided that under the guise of interstate commerce a man can perpetrate a fraud by selling one thing and delivering another and escape punishment by State authority, no matter whether the package be broken or unbroken.

Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has consumed ten minutes.

Mr. ADAMSON. I yield to my colleague on the committee [Mr. SHACKLEFORD] such time as he may desire.

[Mr. SHACKLEFORD addressed the committee. See Appendix.]

Mr. CLARK. Mr. Chairman, I would like to ask the gentleman from Chicago a question or two for information.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] consent to be recognized?

Mr. MANN. Yes.

The CHAIRMAN. The gentleman from Missouri.

Mr. CLARK. I want to ask two or three questions. I want to preface them with the statement that I favor the provisions of this bill generally, but in lines 10, 11, and 12, on page 16, I find the following:

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Now, I want to know, does that mean that the thing there complained of is put into the article, or simply packed with it in the same box, or whatever the package is? That is the first question.

Mr. MANN. Oh, it means that it is put into it, packed with it in such a way that it becomes a part of the article.

Mr. CLARK. Then I want to ask you another question. Does the committee understand, and does this bill mean, when it says lowering, to reduce, and that you are injuriously affecting its quality and strength? Does the committee think lowering the quality of an article necessarily injures its usefulness?

Mr. MANN. If they sell it as the pure article, and not as what it is.

Mr. CLARK. Then I want to ask you another question. Where does wine come in this bill? Does it come under the head of "drugs" or "food?"

Mr. MANN. I will say that there is a definition of the word "food" in the bill which includes under the one term all foods, drinks, confectioneries, and condiments.

Mr. CLARK. Now, you know, I suppose, that you can not make wine east of the Rocky Mountains in this country without mixing other things with the juice of the grape. It is utterly impossible. There is not a man in the House who drinks a spoonful of it without being mixed.

Mr. MANN. This comes in the class of mixed wines.

Mr. CLARK. Does this bill cut them out?

Mr. MANN. It does not.

Mr. CLARK. Does it interfere in any way with the making of wine and mixing it when it comes up to the label that is put upon it?

Mr. MANN. It does not. It expressly authorizes it.

Mr. CLARK. Now, suppose this chemist over here, the adviser of the Secretary of Agriculture, takes it into his head that there has to be a particular standard for wine—I take that because some of my constituents are interested in its manufacture, and they are the largest manufacturers of wines east of the Rocky Mountains. Suppose this chemist takes it into his head that there ought to be a certain standard in this, that, or the other kind of wine, and these intelligent men who have been manufacturing wines do not believe his standard is right, is there anything in this bill which would absolutely break up their business?

Mr. MANN. Well, if the gentlemen whom the gentleman from Missouri speaks of are making the wine and purporting it to come from France or Spain——

Mr. CLARK. But they do not do it.

Mr. MANN (continuing). Their business ought to be broken up. But if they are making a wine by a name, giving its name, and selling it as that, why this bill does not interfere with them in any way whatever.

Mr. CLARK. If that is true, how does it happen that these intelligent wine manufacturers come to be opposed to the bill?

Mr. MANN. Well, I may say that they did not appear before us and object to the bill. It is a fact, however, to-day that in every large city and in some small cities many people are engaged in making blends.

Mr. CLARK. What is that?

Mr. MANN. "Blends." Blends mean whisky that the gentleman from Missouri——

Mr. CLARK. I drink straight whisky when I drink any. [Laughter.]

Mr. MANN. The gentleman thinks he drinks straight whisky, as many other gentlemen think when they drink whisky. Blended whisky is sweetened, and much of its qualities are said to be added through blending. Very often they add very deleterious substances.

Mr. SHERLEY. Will the gentleman answer me a question?

Mr. MANN. I will if I can.

Mr. SHERLEY. Is this bill for the purpose of affecting blended whiskies, and do you think that it covers such cases?

Mr. MANN. This bill prohibits the blending of whisky and selling it as straight whisky. If people want to sell it as a blended whisky, and show that it is such, they can do so.

Mr. SHERLEY. What provision of the law permits the selling of it if it is shown to be blended, and yet does not permit the selling of it if it be sold as straight whisky, not blended?

Mr. MANN (reading):

In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, and imitations and blends—

That is on page 17, line 12—

Provided, That the same shall be labeled, branded, or tagged so as to show the character and constituents thereof.

Mr. SHERLEY. Now let me ask the further question: Would the Secretary of Agriculture have the power to prohibit the sale of blended whisky, that is, if marked "blended," if in his judgment he considered that it was an impure production?

Mr. MANN. I will say to the gentleman under this bill the Secretary of Agriculture does not have the authority to prohibit anything——

Mr. LAMB. But his chemists do——

Mr. MANN. And his chemists do not have authority to prohibit anything.

Mr. LAMB. But they fix the standards.

Mr. MANN. The Secretary of Agriculture, through his chemists, has the power to fix the standards of purity. Then they have the power to say that a certain article does not come up to the standard of purity; and then they have the power to direct that a prosecution shall be commenced; and then if the court is of the opinion that the standard of purity fixed by the Secretary of Agriculture is correct, and that the article is injurious to health, or does contain deleterious substances, or is a fraud, then the court sustains the prosecution; but the court is not bound by the opinion of the Secretary of Agriculture.

Mr. SHERLEY. I understand that, but is it not true the burden will be put upon every manufacturer who is making any sort of a blended whisky that the Secretary of Agriculture may not consider a good blend to prove to the court that the blend is not injurious to health, in order to have the right to sell it?

Mr. MANN. It is true only under this bill that if, after examination by the Bureau of Chemistry, the Secretary of Agriculture believes that a whisky made for sale is a blend that is injurious to health the burden of proof to show it is not bears upon the manufacturer. There is no other way that I know of of doing anything in this direction.

Mr. SHERLEY. I do not mean to contend for the right of a man to sell a bad brand of whisky, but I wanted to call out the fact that you are putting it into the power of one man practically to determine that question. I spoke of whisky because I happen to be familiar with that trade.

Mr. MANN. Well, if the gentleman knows any method by which you can say that a good man shall never be prosecuted, but that a bad man must be prosecuted, without leaving it to somebody's opinion. I will be very glad to learn of it; but——

Mr. SHERLEY. I do not; but I know the system that was instituted when this Government was founded was to leave those things to the respective States, in order that the power of the bad man should not be accentuated.

Mr. MANN. I will say to the gentleman that we do not take away a single power anywhere which is conferred on a State.

Mr. SHERLEY. But you give most dangerous powers to the Government.

Mr. CLARK. I would like to ask the gentleman from Illinois if the committee have considered the constitutionality of sections 8 and 9 in this bill, and whether it does not infract the rule that a man shall not be compelled in this country to give evidence against himself?

Mr. MANN. Mr. Chairman, I endeavor to be as consistent as possible and not change my opinion without good reasons. When this bill was before the House last year, I stated that in my opinion that section was unconstitutional.

Mr. CLARK. What do you say now?

Mr. MANN. I am still of the opinion that it is without the power of the Government to compel a man to furnish evidence against himself; but, Mr. Chairman, if the Government has the power it ought to be exercised. If it has not the power it will soon be determined by the courts it has not the power and will not then affect the rest of the bill.

Mr. BARTHOLDT. Mr. Chairman, the makers of wine and the distillers of whisky having been heard, I would like to ask a question on behalf of the people who are making the temperance drink of this country.

Mr. MANN. Water?

Mr. BARTHOLDT. Beer. There seems to be a great deal of difference of opinion about the effect of this bill, and I would like to ask my friend from Illinois whether the effect of this bill will be the constitution of a board in the Department of Agriculture or somewhere else—the establishment of an authority—which is to determine and prescribe the ingredients which are to go into the makeup of what we call American beer. We all understand that beer is being made out of malt, barley, hops, and water. I believe some of the brewers have found that the American taste has called for a modification of these ingredients in some respects.

For instance, American ladies prefer a drink which is made of corn, the malt of corn, hops, and water, and for that reason, in some instances, corn is being used. Now, I should like to know whether, under this bill, there would be an authority created anywhere which could prohibit and forbid and prevent the use of any such ingredients as experts may have by experience found to be necessary in order to satisfy the taste of the American public?

Mr. MANN. I may say to that, Mr. Chairman, that I would not be at all surprised—while I am not able to answer all portions of the question—that beer made from corn, while it might be sold, would be compelled to indicate that fact; that is, that you could not sell beer, purporting to be good beer, supposedly made from malt and hops, but which was made from corn.

Mr. ADAMS of Wisconsin. Mr. Chairman——

Mr. MANN. I will yield to the gentleman.

Mr. ADAMS of Wisconsin. I request the gentleman from Illinois to permit me to answer the question of the gentleman from Missouri in part. I do not believe that under the provisions of this bill it would be possible to do what the gentleman from Missouri has indicated. Now, this law—that is, this portion of the law which gives definition and enumerates in a series of particulars of what adulteration shall consist—is a repetition, in fact, of the English law which has formed the basis of the pure-food legislation in all the States. This is no new provision given in this bill. It is the same definition, or series of definitions, that appears on the statute book of forty-three States of the Union, and the clause which the gentleman has been discussing with reference to the establishment of standards by the Secretary of Agriculture is of no particular importance in this issue.

You can either leave it in or strike it out. If the Secretary of Agriculture establishes any standard which is not reasonable with the provisions of this bill, the court will remedy that. So far as beer is concerned it does not make any difference whether you make it out of corn or out of barley, or whether you make it out of any other grain which is wholesome, it is beer just the same and would not be under the ban of this law unless it contained something which was injurious to the public health.

Mr. CLARK. Let me ask the gentleman a question. Where does he get the authority for stating that if the Secretary of Agriculture establishes a standard which is unreasonable the court will knock it out? What court has the right to knock it out on the ground of unreasonableness?

Mr. MANN. The court is not bound by any standard fixed by the Secretary of Agriculture. The bill does not pretend to make it so. It is for the "information" of the court that the opinion of the Agricultural Department is had.

Mr. CLARK. I want the gentleman from Wisconsin to answer the question where he gets the authority for stating that the court has a right to knock the law out because it contains an unreasonable provision.

Mr. ADAMS of Wisconsin. The court will interpret the action of the Secretary of Agriculture in construing the law, and if he has misconstrued the law the court will undoubtedly sustain the law in its original purpose.

Mr. MANN. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has consumed thirty-six minutes of the two hours.

Mr. MANN. I yield to the gentleman from Iowa.

Mr. HEPBURN. Mr. Chairman, just a moment to answer the question which the gentleman from Missouri asked. I understand that the gentleman from Missouri is not opposed to the general purpose of this law.

Mr. CLARK. That is right.

Mr. HEPBURN. I think it is entirely proper that he should be fairly answered. I want to call his attention to the purpose fixed by the law for these standards. He will find on page 18, section 7, this language:

> SEC. 7. That it shall be the duty of the Secretary of Agriculture to fix standards of food products when advisable for the guidance of the officials charged with the administration of food laws and for the information of the courts, and to determine the wholesomeness or unwholesomeness of preservatives and other substances which are or may be added to foods, and to aid him in reaching just decisions in such matters he is authorized to call upon the committee on food standards of the Association of Official Agricultural Chemists and such other experts as he may deem necessary.

That is all; simply for these officers of his who have imposed upon them the duty of inspection. The gentleman will remember that all over the country we have difficulties growing out of the different standards. For instance, the grain inspectors; in one State there is one standard for wheat, and in another State wheat graded No. 1 would not be No. 1 in the first State I have referred to. This is for the purpose of having uniformity in the administration of the law by the inspectors of the Department. Now, if the gentleman will go a little further——

Mr. CLARK. Wait a minute. Right there I want to ask a question. It is desirable to have uniformity, and on the main principle of this bill he and I concur, but if this performance of the Secretary of Agriculture and his assistants is merely for the information of the courts, the courts are not to be bound by it, are they?

Mr. HEPBURN. I do not suppose the court would be bound by it in any sense that they must follow in every instance, but I undertake to say that the courts probably will want some guides. This is a scientific measure. It is not always a question of law, but often a mixed question of law and facts, and therefore the courts would be glad to have some authoritative statement as a guide—not conclusive, but as a guide.

Mr. CLARK. We all desire—everybody desires—that we shall know what we are eating and drinking. Would it not serve every purpose that Congress ought to have to pass a law substantially to the effect that the article of interstate commerce which is offered for sale should come up to the label, or proclamation, or tag, or whatever it is that describes it, and making it a criminal offense if it does not come up to it?

Mr. HEPBURN. I think this bill does that.

Mr. CLARK. I know this bill does that; but this bill does a good deal more than that.

Mr. HEPBURN. No; I think not. That is the purpose of it; but I would call the gentleman's attention a moment further to what may be in fact a further answer. The bill provides that the Secretary of Agriculture shall fix standards of food products, etc., and "determine the wholesomeness or unwholesomeness of preservatives"—not of the foods, but of the added preservatives of the manufacturer—"which are or may be added to foods." He does not do this alone. This is well guarded. To aid him in making just decisions in such matters he is authorized to call upon the committee of food standards of the Association of Official Agricultural Chemists and such other experts as he may deem necessary. Now, if the gentleman can find another tribunal where probably there will be more of wisdom, less of prejudice, and a more constant disposition to be absolutely fair than this tribunal, I would be glad if he will name it, and we will consider its selection rather than this.

Mr. CLARK. I want to ask the gentleman one more question before my brother from Alabama [Mr. RICHARDSON] begins, because really I am trying to get information in regard to the matter. Does this bill in any way interfere with any statute that a State has already made or may hereafter make on this same subject of wholesomeness of food? I will give the gentleman a sample. In Missouri we have a statute which prohibits the killing of a calf for veal purposes which is under either a month or six weeks old, I have forgotten which, on the ground that it is unhealthful. Does this statute interfere or have any tendency to interfere with a statute like that or any other which may be passed?

Mr. HEPBURN. I think not. Certainly not with that statute.

Mr. CLARK. Of course it does not specify that statute, but I just happened to think of that one.

Mr. HEPBURN. But that is wholly, I take it, within the jurisdiction of the State, and that is a matter of State commerce. It is possible, if that calf should become interstate commerce and go into another State, it might then be subject to the provisions of this law.

Mr. CLARK. That is exactly what they do, because the three largest cities in the State are right on the edge of the State.

Mr. HEPBURN. Even then I do not see how it would interfere with that law.

Mr. CLARK. I simply cited that as an example.

Mr. MANN. It would not interfere with the law respecting the killing of the calf, but if after the calf was killed and it became then interstate commerce, it would interfere——

Mr. CLARK. The law itself does not interfere with the killing of a calf under six weeks old. It interferes with killing it and using it for veal purposes. Now, I want to ask the gentleman from Iowa [Mr. HEPBURN] another question while he is giving us information. These two gentlemen, the gentleman from Illinois [Mr. MANN] and the gentleman from Iowa [Mr. HEPBURN], ought to know a good deal about this matter. I want to call attention to the same question that I asked the gentleman from Illinois respecting the word "lower," in line 11 on page 16, and ask if the committee assumes that to "lower" the quality of provisions or drinks, or anything of that sort, necessarily injures the quality of them?

Mr. HEPBURN. No; it does not.

Mr. CLARK. Because if it does, it ought to be stricken out.

Mr. HEPBURN. But it may be the means of perpetrating a fraud upon a purchaser, and therefore it is right and proper that if he does thus lower the quality or standard of excellence he should so state upon his labels.

Mr. CLARK. Of course he ought to so state on his labels.

Mr. HEPBURN. That is required by this law.

Mr. CLARK. But by all the rules of construction it would look as if "lower" was intended to have the same meaning as the words "injuriously affect."

Mr. HEPBURN (reading):

That for the purposes of this act an article shall be deemed to be adulterated—

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

That, in my judgment, simply requires that the article, in order to exempt it from the charge of adulteration, shall have a brand upon it showing directly what it is, as is provided by another section.

Mr. CLARK. One more question and then I will quit—quit at this time, to resume after a while. What does the gentleman say about sections 8 and 9 of this bill? Can they be enforced? Do they not contravene the rule—I ask the attention of the gentleman from Illinois [Mr. MANN] to this point—do they not contravene the rule that a man shall not be compelled to give testimony against himself?

Mr. HEPBURN. Well, I do not think the provisions of the bill undertake to compel a man to give testimony against himself.

Mr. CLARK. The physical fact in the case has been decided over and over again to be the very best evidence, and here you undertake to compel a man to give the physical facts in testimony against himself.

Mr. HEPBURN. To what section does the gentleman refer?

Mr. CLARK. To sections 8 and 9. I call attention particularly to the language at the top of page 19.

Mr. HEPBURN (reading):

Shall furnish within business hours and upon tender and full payment of the selling price a sample of such drugs or article of food to any person duly authorized by the Secretary of Agriculture to receive the same.

What provision of the Constitution does the gentleman understand that that clause of the bill infringes?

Mr. CLARK. It is a rule of evidence everywhere—in Iowa and Missouri and everywhere else in the United States and in England—that a man shall not be compelled to give testimony against himself or to incriminate himself. That is the usual phrase.

Mr. HEPBURN. That is only when the evidence incriminates him, is it not? The gentleman is assuming that the man on trial is necessarily a criminal, and therefore he is to be permitted to continue in this business.

Mr. CLARK. No, sir; I do not contend any such thing; but I contend that 386 Congressmen, most of them supposed to be first-rate lawyers, should not undertake to pass a bill here that flies in the face of the rule of evidence which is in force everywhere where English or American law prevails.

Mr. HEPBURN. The gentleman voted for this bill a year ago, did he not?

Mr. CLARK. I know I did.

Mr. HEPBURN. And it then had this provision in it in a very much more offensive form.

Mr. CLARK. I know my friend from Illinois jogged my memory about that, and I concluded he was right. He has now changed his position and gone over to you.

Mr. HEPBURN. And you have changed your position and gone away from us.

Mr. CLARK. Exactly.

Mr. HEPBURN. Well, we will call that even.

Mr. MANN. Will the gentleman from Missouri allow me to call attention in this connection, so that it may be in the RECORD, to what the Constitution says? In Article V the language is: "No person, etc., shall be held to answer, etc.; nor shall be compelled in any criminal case to be a witness against himself."

Mr. Chairman, I yield to the gentleman from Alabama [Mr. RICHARDSON] so much time as he may desire.

Mr. SHERLEY. Before the gentleman from Alabama proceeds, I would like to ask the gentleman from Iowa a question.

Mr. MANN. I think the gentleman from Alabama ought to be permitted to proceed.

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. RICHARDSON of Alabama. Mr. Chairman, this bill is the same that was passed by the House of Representatives in the Fifty-seventh Congress, save in two respects, and by the changes which have been made I think the bill has been greatly improved. I believe, Mr. Chairman, that this bill safeguards all the interests of the public as thoroughly and carefully as any bill it has ever been my pleasure to support on this subject. I know and understand fully that this bill is not perfect. Doubtless there are defects and infirmities in the bill, but it is a long step in the right direction.

Having before us a great and difficult question to solve—that of protecting and preserving the public health from adulterated foods that are calculated to injure it—we are all bound to admit that we draw close and near to what some people are disposed to call an invasion of individual rights. This bill and its aim and end is wholly misunderstood by anyone who thinks that the inalienable individual rights of a citizen are impaired or interfered with. I contend that in a bill of this kind, having in view such an object as this bill has, the only way that we can finally determine what its defects are and correct them accordingly is to put it in force, to test it and try it.

We ought not to be afraid to trust the courts of our country. The courts of the country are made the final arbiter under the provisions of this bill for the protection of the rights of the public. You can not accomplish any great object, any great beneficial purpose, such as is proposed in this bill for the general public unless you commit power to some one authorized to make rules of regulation and have some one at the head of the movement. We ought not to go upon the presumption that a standard adopted by a competent man, after consulting with experts, for the purity of food will be based upon wrong or injury to the public. Should such a presumption prevail, then all legislation of this character would fail, and for the sake of a pretended individual right the general public would be made the victims of food importers. Rather should we presume that it will be correct and right.

Now, I agree with my worthy friend from Georgia [Mr. ADAMSON] and with the gentleman from Missouri [Mr. SHACKLEFORD] in the truth of the platitudes that they have so well asserted in regard to "State rights." I do not undertake to deny such platitudes as that "the people who are the least governed are the best governed." Why, Mr. Chairman, we all agree to that. But I do not believe those platitudes or the question of State rights or the interference with the laws of the States have any application to this bill; and the reason they do not apply is found in this simple provision of the bill:

SEC. 10. That this act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States; but foods and drugs fully complying with all the provisions of this act shall not be interfered with by the authorities of the several States when transported from one State to another so long as they remain in original unbroken packages, except as may be otherwise provided by statutes of the United States.

Mr. BARTLETT. Right there, Mr. Chairman, if it will not interrupt the gentleman——

Mr. RICHARDSON of Alabama. Not at all.

The CHAIRMAN. Does the gentleman from Alabama yield?

Mr. RICHARDSON of Alabama. Certainly.

Mr. BARTLETT. Does not the gentleman think that the laws of the various States of the Union on the subject of pure food are sufficient, under the exercise of the police power of the States, to cover this subject? I have here the law of my own State. These laws of the different States have, in many instances, been sustained by the Supreme Court. I hold in my hand one of the late cases, sustaining the Tennessee law in reference to cigarettes. Does not the gentleman believe that the States have the authority, and that in most of the States laws have been passed which, when enforced, will protect the people of those States from the impositions of adulterated food and other products injurious to health?

Mr. RICHARDSON of Alabama. My answer to my friend from Georgia is simply this: If he had heard what we in the Interstate and Foreign Commerce Committee have heard as to the profound failure of quite three-fourths of the States successfully to enforce and carry out any legislation upon their statute books regulating pure food, he would see the necessity of this bill. I admit that the State has authority to regulate the question and to put upon its statute books laws which, if enforced, would be sufficient. Of course I admit that it has that right, and this bill does not interfere with that power or authority in any way.

Mr. ADAMSON. If the gentleman's experience is anything like mine, he has found the juries in State courts superior in every way to the juries in Federal courts in the proper enforcement of the law.

Mr. BARTLETT. May I continue?

Mr. RICHARDSON of Alabama. Certainly the gentleman may, because, while I differ thoroughly with the gentleman on this subject, I know that he is honest and sincere in his opinion.

Mr. BARTLETT. I am very much obliged to the gentleman. I am asking with reference to the power of the State to enforce its laws. Now, the gentleman has admitted that.

Mr. RICHARDSON of Alabama. Of course.

Mr. BARTLETT. Does the gentleman stand here to say that the administration of the laws in the various States needs the ad-

ditional power given in this bill, and to have Federal authority invoked to administer the law? Permit me to say, so far as my own State is concerned, that I stand here to refute any suggestion that the courts of the State of Georgia are in any degree inefficient in the enforcement of the law against the adulteration of food. The laws of the State will be as efficiently enforced by the State courts as by any Federal court to which the power can be given.

Mr. RICHARDSON of Alabama. In answer to the gentleman's question I will ask him this one: Has he ever heard of any man in Georgia being arrested for violating a pure-food law?

Mr. BARTLETT. Yes.

Mr. RICHARDSON of Alabama. What was done with him?

Mr. BARTLETT. He was tried and convicted.

Mr. RICHARDSON of Alabama. That is one case I never heard of.

Mr. BARTLETT. Permit me to say further that I hold in my hand here a case, and the United States Supreme Court reports are full of cases carried from the various States which have pure-food laws upon their statute books—cases that have been carried to the Supreme Court of the United States—and in those cases the decisions have been that the State, by reason of the exercise of its police power, has ample authority on this subject. There has been not only one, but there have been innumerable cases that have gone up from the various State courts to the Supreme Court of the United States, where the State laws have been sustained. The gentleman, I know, can not have investigated——

Mr. RICHARDSON of Alabama. You can not get me committed to the idea that a State has not the right to put a statute upon its books regulating pure food; but I say that the impracticability of the enforcement of these laws—which have not been enforced in three-fourths of the States, as the evidence showed clearly before the Committee on Interstate and Foreign Commerce—is a justification for the passage of this bill. Different standards of the purity of foods are erected in different States. The State has no extraterritorial jurisdiction, and confusion and failure to enforce the law has followed in case after case. The State is restricted and confined in its jurisdiction within its own State line. Kentucky would have one standard for the ascertainment of pure whisky and Alabama another.

Mr. SHERLEY. I understand the position of the gentleman, then, to be this: That while he recognizes the power of the States to regulate——

Mr. RICHARDSON of Alabama. And this bill does, too.

Mr. SHERLEY (continuing). He claims that they do not in fact do it, and therefore he thinks you should go to the National Government.

Mr. RICHARDSON of Alabama. Yes; and not only that——

Mr. SHERLEY. I am glad to see the gentleman so candid as to admit that.

Mr. RICHARDSON of Alabama. Recognizing the honesty and sincerity of my brother Democrats from the South, I say that I truly and really believe that they lay too much stress upon this question of "State rights." While I recognize and uphold the sovereignty of my State and the fundamental doctrine of local home rule as much as any man in this Union recognizes it, I do not think there is a "scarecrow behind every bush" simply because we concede authority to the Federal Government in certain matters and on certain lines peculiarly subject to Government control. This bill, in truth, makes the Federal Government and State authority cooperative with each other—the Government seeking to cure the defects that obstruct the enforcement of the pure-food laws in the States.

I think that the Federal Government has some power and some authority in such matters as this bill treats of, and I say it with great respect and deference to those who differ with me. Why, it has been said of us in the South that while we were standing contending for constitutional rights and States rights our northern friends were getting all the money from the Treasury. Now, I do not say nor do I mean to be understood that I would impair nor would I relinquish or surrender in any way the authority and the sovereignty and the rights of Alabama or any State in the Union under any conditions.

We had the Marine-Hospital Service bill here before the last Congress. What was the purport and object of it? It was to bring the medical officers of the Federal Government into cooperation and support and sympathy or in consultation with the medical boards of the States. It was to regulate that dread disease, yellow fever, and prevent that "shotgun policy" of quarantine which every hamlet and village adopted on hearing that yellow fever had appeared at some distant place. Trade and traffic were suspended. Medical boards of a large number of the States most interested petitioned that the Federal Government come to their aid. It was done in a wise, prudent law, which is working splendidly; yet gentlemen on this floor vociferously declared in their opposition to the bill that the rights of the States were being invaded. I say, Mr. Chairman, we ought to look carefully at this matter, and see wherein this bill clearly provides that it does not invade nor trespass upon any rights or police regulations of the State. If this is done, why not, then, have a pure-food bill?

Why, the gentleman from Missouri [Mr. SHACKLEFORD] speaks of a putrid dog, and he reads the section of the bill which refers to putrid food. Is it possible we have to resort to an argument of that kind to make votes against a pure-food bill, that anything that is put there in the way of decomposed matter shall be pronounced unwholesome? The fact is that this bill, without my going into minutiæ or into a discussion of its principles, undertakes to accomplish and does accomplish but one thing, and its whole purport and object is that thing.

What is it? It is to make a man who offers upon the market to sell certain food products to you or me or any other citizen brand his goods according to the truth. It prevents him from making a false representation and false statement. It prevents him from adulterating his flour with sand and selling it—selling it as pure, wholesome flour. It prevents him from putting three-fourths of glucose in his New Orleans sirup and calling it pure sirup. It requires him to place upon that barrel a proper and truthful label before he can sell it, and he must show to the purchaser that there is three-fourths of glucose in that sirup. Does any man object to that? It is a standard of truth and reality, as well as justice, that the bill proposes to establish.

Mr. SHERLEY. If the gentleman will permit me, what we object to is the tribunal that this law provides to determine what shall be pure.

Mr. RICHARDSON of Alabama. What do you suggest as the tribunal?

Mr. SHERLEY. The State is the tribunal in a matter of that kind.

Mr. RICHARDSON of Alabama. I have answered that.

Mr. SHERLEY. That is the difference of opinion among Members.

Mr. RICHARDSON of Alabama. Well, then, when you give it to the State would you be willing for the State to fix the standard?

Mr. SHERLEY. I answer you in regard to the States simply this: That I think there is less liability to be wrongful and corrupt administration of the law in a matter which is exceedingly dangerous in every way, and because the people's rights are better protected in that the administration is closer at home among the people in each particular State, and I further say that it was upon this theory that the Government was founded.

Mr. RICHARDSON of Alabama. Do you not believe that the theory of this bill and its object and aim is not to permit a man to sell anything without making him sell it according to what it is assumed to be?

Mr. SHERLEY. I believe the motive of the people back of this bill is pure as can be, but the fact that the motive of the bill is good does not necessarily make the bill a good one, and that it will not, when administered, be subject to a great deal of corruption.

Mr. RICHARDSON of Alabama. Don't you believe that the plain, specific provision in this bill requires the man to sell the goods for exactly what they are?

Mr. SHERLEY. I believe in that; but I think these agencies are necessarily defective.

Mr. RICHARDSON of Alabama. Well, God Almighty in framing man made us with some imperfections.

Mr. SHERLEY. The founders of this Government kept questions like this of the police authority from the General Government, and did not give to Congress any police powers.

Mr. RICHARDSON of Alabama. Now, Mr. Chairman, there were two changes in this bill from the one that we passed in the House of Representatives in the Fifty-seventh Congress.

One of them related to a number of experts, etc. That was changed and made fewer, leaving more discretion as to consultation with certain men. The next change, or, rather, the only other change, is to strike out—and I read now from Doctor Wiley in his testimony in the hearing before our committee a few days ago on this subject—the only other change is to strike out, as I stated, the methods of taking samples, which are designated in section 8, that my friend from Missouri [Mr. CLARK] has been talking about. Doctor Wiley says:

> It seems to me it is far better to leave that to the regulations of the Secretary, just as in the tariff law; the regulations for carrying out the examinations and taking samples of substances at the ports are left to the regulations of the Secretary of the Treasury, and when he finds that these regulations are not working well, he may change them so as to make them work better.

What more sensible statement, from a man eminent as Doctor Wiley, can be made than this? We are but human, and we err in these things, but when a regulation has been made, trying to get at the truth, and having in view the efficiency—the wholesomeness—of this law and protecting the people, why should we not be allowed to make a change in that regulation where it is intended

to deal more liberally and honestly and fairly with the public? That is all. What objection can be made to that?

I think, Mr. Chairman, that the most stringent and drastic provision of this bill is the last one—section 12—and yet I concur in that because I say that when we launch out upon legislation of this kind we have to go upon the basis of common sense. I could stand here to-day, surrounded by good astute lawyers, and could make technical objections to this bill almost the balance of this Congress. We have to proceed upon the lines of common sense and having some confidence and some trust in the officers of the Government.

I was just proceeding, Mr. Chairman, to call the attention of the committee to section 12. That section has been added to the bill which passed in the last Congress, and I have no hesitancy in saying, although it appears somewhat drastic upon its face, that it was necessary to put such a section in there to meet the purpose and object of this bill. It says:

SEC. 12. That the Secretary of Agriculture is authorized to investigate the character and extent of the adulteration of foods, drugs, and liquors whenever he has reason to believe that articles are being imported from foreign countries which by reason of such adulteration are dangerous to the health of the people of the United States, or which are forbidden to be sold or restricted in sale in the countries in which they are made or from which they are exported, or which shall be falsely labeled in any respect in regard to the place of manufacture or the contents of the package, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis; and the Secretary of the Treasury is hereby authorized to open such original packages and deliver specimens to the Secretary of Agriculture for the purpose mentioned, giving due notice to the owner or consignee of such articles, who may be present and have the right to introduce testimony; and the Secretary of the Treasury shall refuse delivery to the consignee of any of such goods which the Secretary of Agriculture reports to him have been inspected and analyzed and found to be dangerous to health, or which are forbidden to be sold or restricted in sale in the countries in which they are made or from which they are exported, or which shall be falsely labeled in any respect in regard to the place of manufacture or the contents of the package.

Now, what is that? We have had great complaint, as we have heard in the hearings before our committee, that Germany, for instance, was transporting to this country certain food products which were prohibited from being sold in Germany and they were selling them to our country and to our people. This provision is made for the purpose of stopping it. Wherever it is forbidden to be sold by the laws of Germany or any foreign country, why, the Secretary has the right to stop it. Surely the gentleman does not object to that? While it is a stringent and most drastic feature, it is wholesome and wise and prudent and is intended to stop that evil that foreign countries are perpetrating upon the people of our country.

Now, Mr. Chairman, just in conclusion of the remarks which I have made, let us look and see—and it is common sense that we want in this bill; it is not so much legal ability and knowledge of technicalities as it is plain, ordinary common sense to be applied to it. Now, here it says:

If it be an imitation of or offered for sale under the distinctive name of another article.

In the case of confectionery:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

If it does that, it falls under the ban of the provisions of the bill.

Now, in the case of foods:

First. If any substance or substances has or have been mixed or packed with it, so as to reduce or lower or injuriously affect its quality or strength.

Does any man think it would be right for another one who had offered to sell me a certain product for my table to lessen the quality or quantity, so as to injuriously affect the product? This compels obedience to the law, and proposes to punish the man who violates it. You must not do it. As I have said, the whole object of this bill is to make men sell things according to the truth and what they really are, and not let them impose upon the public. If he violates the law in doing it, he ought to be punished. The bill nowhere proposes to prohibit a man from selling. It requires him when he does sell to sell his goods or products exactly for what they are.

What is the next?

Second. If any substance or substances has or have been substituted wholly or in part for the article.

Is there anything wrong in that, to come and tell me you are selling me pure sirup, "New Orleans molasses," when you have three-fourths of glucose in it? Is that right? Ought not the man who does it to be punished? And here is the law to prohibit it.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be an imitation of or offered for sale under the distinctive name of another article.

Fifth. If it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed.

Sixth. If it contain any added poisonous ingredient which may render such article injurious to health.

Seventh. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so.

Now these, Mr. Chairman, are the real leading provisions of this bill, and in reference to the question asked by the distinguished gentleman from Missouri [Mr. CLARK] as to the constitutionality of section 8, I have never heard a gentleman of his ability state wherein and how that provision, in requiring a man who is suspected of having violated the law simply to give a sample of that which he has been selling, is requiring him to testify against himself. That is not testifying against himself.

No innocent man could object to that. That is a physical fact. There is no testimony in it, and there is no court that has ever held, within my knowledge, that a physical fact like this, as provided for in sections 8 and 9, is making a man furnish testimony against himself. If that were the law and the Constitution could be violated in that, you can readily see that under the laws of this country a great deal of valuable testimony looking to the conviction of criminals would be eliminated from the courts.

I say it is nothing but a physical fact. It is not like a man being drawn up for a game of cards and testifying who was in the game with him. Not that at all. That is giving oral testimony. This is a physical fact, that the law requires to be put in the hands of the person duly authorized by the Secretary of Agriculture to receive the same, for the purpose of investigating to see whether that man is a criminal and has violated the statutes of the country.

Mr. BARTLETT. Will the gentleman allow me to suggest a decision of the Supreme Court of the United States upon that line, which the gentleman says no court has decided? I do not recall the name of the case, but it is a case where the court held, on a question of forcing a railroad corporation, or its officers, to produce their books of record in order to show that they had violated the interstate-commerce law with reference to charges for freight, that it was unconstitutional.

Mr. RICHARDSON of Alabama. Which is not on a parallel with this case at all. I say I never have seen a case where any court has passed upon that question and said that a physical fact is making a man testify against himself.

Mr. BARTLETT. Will the gentleman permit a question?

Mr. RICHARDSON of Alabama. Certainly.

Mr. BARTLETT. Is it not as much a physical fact when you require the owner, or the proprietor, or seller of this alleged adulterated article to furnish you samples of it as it is when you require the officials of a railroad corporation to furnish you their books and papers in order to ascertain if they have violated the law?

Mr. RICHARDSON of Alabama. I do not think it is.

Mr. BARTLETT. It occurs to me that it is.

Mr. RICHARDSON of Alabama. I know the gentleman and I differ on these questions.

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Ohio?

Mr. RICHARDSON of Alabama. With pleasure.

Mr. GROSVENOR. Does not the gentleman know that repeatedly courts have held that it was error to compel the defendant in a criminal case to stand up and give his measurement alongside of a witness to determine who was the tallest man?

Mr. RICHARDSON of Alabama. Yes; I know that.

Mr. GROSVENOR. Is it not true that in a recent remarkable case where the real physical fact was whether the defendant was a man or a woman the judgment of the court was reversed because the court compelled the defendant to exhibit the fact that she was a woman and not a man?

Mr. RICHARDSON of Alabama. That was on the question of decency, I reckon.

Mr. GROSVENOR. Not at all; it was on the sole ground that she was compelled in that way to furnish evidence against herself. I am not arguing that there is anything in the bill unconstitutional, but the gentleman was making a broad statement that no production of a physical fact had ever been held erroneous where forced upon the defendant. I thought I would call his attention to these facts.

Mr. RICHARDSON of Alabama. I am very much obliged to the gentleman for that. We all know that decisions of the Supreme Court are based upon peculiar facts; that you have got to understand the facts of the case before you can apply the theory to other cases. I say that the facts and surrounding circumstances of the opinions of judges must be known before you can apply them. A man may take the bald facts and statement of a judge in a decision and apply it to some other case and it does not apply at all when you look at it, because the facts are different. I say again, in my humble opinion, that this eighth section, which requires that a man shall furnish these samples, is not unconstitutional. It is not the first time we have discussed this; it has been before our committee, and while I differed in the last Congress with my distinguished friend from Illinois, I now think that that provision is not unconstitutional. Of course lawyers will differ upon all these questions.

Now, Mr. Chairman, I have occupied more time than I intended to upon this bill. It was my pleasure to have discussed it at length in the last Congress, and I admit, in view of the fact of the deficiency and inefficiency, you may call it, of a great many of the States on that subject of pure food, I became interested in the enactment of this bill as a law. Not that it is going to invade the kitchen, as my distinguished friend from Georgia [Mr. ADAMSON] said. It is not going to invade the kitchen; it is not going to limit the cook and require her to cook certain things; it will not limit the good housewife to the selection of what goods are on her table. The only thing this bill says to that cook and to that housewife is that when you do cook anything and put it on the table it shall not be a false article, but it shall speak the truth and be what it assumes to be.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CHARLES B. LANDIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1935. An act providing for the holding of an additional court in the northern district of West Virginia at Martinsburg, W. Va.; and

S. 782. An act granting a pension to Mary D. Duvall.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 33.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 10,000 copies of the Report of the Commission on International Exchange and the appendixes thereto, being House Document No. 144, Fifty-eighth Congress, second session, 2,000 of which shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 4,000 for the use of the Commission on International Exchange.

Senate concurrent resolution 29.

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,500 copies of the First Annual Report of the Reclamation Service, from June 17, to December 1, 1902, with the accompanying maps, of which 1,000 copies shall be for the use of the Senate and 1,500 copies for the use of the House of Representatives.

Senate concurrent resolution 34.

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print from stereotype plates and to bind 2,500 copies of the Second Annual Report of the Reclamation Service, of which 750 copies shall be for the use of the Senate, 1,250 copies for the use of the House of Representatives, 200 copies for the use of the Department of the Interior, and 300 copies for the use of the United States Geological Survey.

Senate concurrent resolution 35.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, requested to cause a survey to be made for a ship canal extending from a point in the city of Newark, N. J., below the junction of the Pennsylvania and Lehigh Valley railroads, through the Newark Meadows and Newark Bay to New York Bay, said ship canal to have a width of 300 feet and a depth of 35 feet, and to report such survey to Congress, together with an estimate of the cost of the same.

S. R. 28. Joint resolution authorizing the printing of additional copies of Agricultural Bulletin No. 124, being a report on irrigation in Utah.

The message also announced that the Senate had passed without amendment the bill (H. R. 6804) providing for the appointment of a customs appraiser at Pittsburg, Pa.

PURE FOOD.

The committee resumed its session.

Mr. ADAMSON. Mr. Chairman, I now yield twenty minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK. Mr. Chairman, in the first place I want to enter my solemn protest against the way that legislation is railroaded through this House. This bill, which is of the gravest importance, affecting the interest not only of every manufacturer, wholesaler, and retailer in the land, but also of every consumer, was dumped in here yesterday and taken up to-day for immediate consideration, giving even the most industrious man no adequate time for investigation or reflection. One might as well attempt to deliberate in a boiler factory or in the roar of battle as in this House when in full blast. These comments apply not only to this bill, but to legislation here in general, and this method does not secure the best results.

I wish to state as preliminary to anything I may say in the course of my remarks that I heartily agree with the intention of the committee in bringing in this bill; that is, to prevent the deleterious adulteration of foods and drinks and drugs that we use either from necessity or for pleasure. If properly amended I will vote for it; but as reported by the Committee on Interstate and Foreign Commerce it is too drastic. It is doing things that have already been done as wel by the States as they will be done by the United States Government.

Any man who manufactures and puts on the public market an article of food or drink which is deleterious to health or destructive of life ought to be in the penitentiary—perhaps he ought to be hanged. Nobody can make that part of it stronger than that. While in the Missouri legislature I was chairman of the committee on criminal jurisprudence and procedure. I reported and helped to report several bills looking toward the prevention of the manufacture or sale of improperly adulterated and deleterious foods in the State. I especially remember one about candy.

One trouble with this bill is that it lodges in the hands of the Agricultural Department the right to say what is wholesome food. I have a great deal of respect for the Secretary of Agriculture, Hon. James Wilson. He is one of the most valuable public functionaries now in the city of Washington or that ever was here, but I do not believe that his chemists are necessarily infallible. Scientific men differ all over the country and all over the world as to what is healthful and what is not healthful. It has been thumped into our heads ever since we were born that distilled water is the most healthful of all drinks, yet within the last two or three years some distinguished chemist somewhere has declared that if a man drinks distilled water it will kill him in a short time because it takes out of his stomach certain juices and salts in undue proportion.

We have been taught from time immemorial that cleanliness is next to godliness and that we ought to bathe frequently. I remember seeing a long article in a newspaper once eulogizing Joseph Chamberlain because he bathed three times a day; but a distinguished scientist in the city of Chicago, whence the gentleman [Mr. MANN] comes, and whence so many preposterous theories come, has recently arisen to declare that bathing is an unhealthful and unnecessary performance. [Applause and laughter.]

M. MANN. I hope the gentleman does not think they come in parrs.

Mr. CLARK. I do not know. One professor out there got himself into hot water by attesting that all the poetry that has ever been written in the way of Christian hymns is mere doggerel, and another gave it as his opinion that John D. Rockefeller was greater literary genius than William Shakespeare. [Laughter.]

Mr. BOUTELL. Will the gentleman yield for a moment?

Mr. CLARK. Yes; for a question.

Mr. BOUTELL. In justice to the different parts of Chicago, I wish to say that none of these comes from my district.

Mr. MANN. I am willing to accept the responsibility of the University of Chicago.

Mr. CLARK. Let us take another case. All the scientists have been proclaiming the doctrine from time immemorial that oatmeal is the most healthful and best brain-producing food we can eat, notwithstanding old Doctor Johnson's sneering definition of oats as "Grain which Scotchmen eat and which others feed to their horses." The oatmeal habit has become almost universal. Recently, however, a distinguished physician in the city of London declared that oatmeal has less nutriment in it than almost anything else, and is the worst food that people are in the habit of consuming.

I don't know which one of these scientists is right, but I say that when scientific men differ—when doctors disagree—it is preposterous to put into this bill or any other bill the authority for one set of chemists to determine what we are to eat in this country. In Missouri we have a statute providing that a calf shall not be killed for food purposes and the meat put on sale if the calf is under six weeks or a month old—I have forgotten which it is—on the ground that it is unhealthy; and the question I asked Colonel HEPBURN was this: Does this bill override State statutes on this same subject?

As to sections 8 and 9, I believe they are unconstitutional. I believe that any court in Christendom will so declare, because they compel a defendant to furnish evidence against himself in a criminal prosecution. The gentleman from Iowa [Mr. HEPBURN] wants to know if I am in favor of shielding these fellows simply because they are criminals. No! But I am not in favor of passing a bill here which on the very face of it is unconstitutional and which will stultify every man who votes for it.

Let us see what the constitutional provision is. I refer to the fifth amendment of the Constitution. I will read the whole section, because it is good reading. And, by the way, the first ten amendments to the Constitution of the United States contain more of the principles of human liberty than all the rest of the Constitution put together:

No person shall be held to answer for a capital or otherwise infamous crime, unless on presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

The clause pertinent here is:

Nor shall be compelled in any criminal case to be a witness against himself.

Here is the statute on that subject. I refer to section 860 of the Revised Statutes of the United States of 1878, second edition:

SEC. 860. No pleading of a party, nor any discovery or evidence obtained from a party or witness by means of a judicial proceeding in this or any foreign country, shall be given in evidence, or in any manner used against him or his property or estate, in any court of the United States, in any criminal proceeding, or for the enforcement of any penalty or forfeiture: *Provided*, That this section shall not exempt any party or witness from prosecution and punishment for perjury committed in discovering or testifying as aforesaid.

In the case of Counselman *v.* Hitchcock, in 146 United States Reports, the Supreme Court says, inter alia:

It is quite clear that legislation can not abridge a constitutional privilege and that it can not replace or supply one, at least unless it is so broad as to have the same extent in scope and effect. It is to be noted of section 860 of the Revised Statutes that it does not undertake to compel self-criminating evidence from a party or a witness. * * * We are clearly of opinion that no statute which leaves the party or witness subject to prosecution after he answers the criminating question put to him can have the effect of supplanting the privilege conferred by the Constitution of the United States. Section 860 of the Revised Statutes does not supply a complete protection from all the perils against which the constitutional prohibition was designed to guard and is not a full substitute for that prohibition.

In view of the constitutional provision, a statutory enactment, to be valid, must afford absolute immunity against future prosecution for the offense to which the question relates. In this respect we give our assent rather to the doctrine of Emry's case, in Massachusetts, than to that of People *v.* Kelly, in New York, and we consider that the ruling of this court in Boyd *v.* United States, supra, supports the view we take. Section 860, moreover, affords no protection against that use of compelled testimony which consists in gaining therefrom a knowledge of the details of a crime, and of sources of information which may supply other means of convicting the witness or party.

The argument used in that decision shows sections 8 and 9 of the bill we are considering are unconstitutional.

My friend from Alabama [Mr. RICHARDSON] says that under sections 8 and 9 of this bill when a merchant is compelled to furnish these packages of goods upon demand of a Government inspector to be used in these criminal proceedings his act is simply a production of physical facts and does not fall within the inhibition of that constitutional provision.

Mr. HEPBURN. Will the gentleman permit me a question?

Mr. CLARK. Yes, sir.

Mr. HEPBURN. Under the provisions of this bill, suppose the Secretary of Agriculture sends to one of the dealers referred to in this section for a package of this merchandise. Is that a criminal prosecution under the Constitution?

Mr. CLARK. Why, certainly; it is for the purposes of a criminal prosecution and to be used in evidence against him.

Mr. HEPBURN. Wait a minute. This is for the purpose of ascertaining what? Whether there is a deleterious substance in that merchandise. Now, it is not a prosecution against the man. There may never be a prosecution.

Mr. CLARK. How do you know?

Mr. HEPBURN. If there is a prosecution against him, then the question that the gentleman suggests may arise. An objection may then be made to the introduction of that testimony. But in the meantime this man will aid science in determining whether a wrong is being perpetrated upon society. There is no proceeding against him until later on; and then he may take advantage of the constitutional provision.

Mr. CLARK. Well, now, if all that is true, why did you not put it in this proposed statute?

Mr. HEPBURN. It is here.

Mr. CLARK. No, sir; by the next section it is provided that if the merchant does not give up his stuff to an inspector he shall be guilty of an offense.

Mr. HEPBURN. Surely. He is compelled to do that. But how does that hurt him in a prosecution? Shall that man say that you want to use this matter against him, possibly in a criminal prosecution? He can not be permitted to say that, because when the prosecution occurs and the prosecutor proposes to introduce this evidence, then the constitutional objection of incompetency will be raised and the evidence will be ruled out. So the man will not be harmed.

Mr. CLARK. Now, Mr. Chairman, if that is true, then there is no sense in putting these sections in the bill.

Mr. HEPBURN. Yes, sir. We want them in the bill for the purpose of enabling the Secretary, perhaps, to fix his standard—perhaps to find out that there is a ground for a prosecution that may be pending against this person, if other evidence not objectionable can be found against him.

Mr. CLARK. And perhaps for the purpose of instituting this criminal proceeding.

Mr. HEPBURN. No; not for that purpose, because it can not be used for that.

Mr. CLARK. Why can it not be?

Mr. HEPBURN. Because, you say, the Constitution prohibits it.

Mr. CLARK. Certainly; that is what I have said, and that is the reason why those two sections ought to go out of this bill.

Mr. HEPBURN. The gentleman does not differentiate between the two proceedings—the proceeding to discover whether there is a deleterious substance in this food product and, subsequently, perhaps, the prosecution of the individual for a crime. The gentleman does not differentiate between those two things.

Mr. PERKINS. I would like to ask the gentleman from Iowa [Mr. HEPBURN] a question at this point.

The CHAIRMAN. Does the gentleman from Missouri [Mr. CLARK] yield?

Mr. CLARK. No; I do not want to have this side debate go on over there.

Mr. PERKINS. What I am about to say is in the line of the gentleman's contention.

Mr. CLARK. Well, then, go on.

Mr. PERKINS. Suppose a man is suspected of having stolen goods in his possession. Do you suppose that under a law which we may have passed you could compel such a man, upon request, to furnish those goods, so that you may find out he has stolen goods in his possession?

Mr. HEPBURN. No, sir.

Mr. PERKINS. What is the difference?

Mr. HEPBURN. Why, the difference is as broad as the difference between day and night. Here are two distinct, substantive proceedings. One is to find out whether there is a deleterious substance in this food that this man is selling. The other is a prosecution against him. Now, in the first instance, it is not a prosecution against him. We have a right, I think, to compel him, being a dealer engaged in interstate commerce, to make this proffer for the purpose, not of prosecuting him, but for the purpose of finding out whether or not there is a deleterious substance in that which he is selling.

Mr. PERKINS. There is no prosecution in getting the goods from a man whom you suspect of holding stolen goods.

Mr. HEPBURN. Oh, that is an entirely different question.

Mr. PERKINS. I do not see the difference.

Mr. BUTLER of Pennsylvania. You can issue a search warrant and look for the goods.

Mr. PADGETT. I will suggest to the gentleman that on page 14 of the act it is expressly provided—

which certificate shall be admitted in evidence in all courts of the United States without further verification.

Mr. CLARK. Yes. Now, Mr. Chairman, I have not a bit of doubt that the intention of the man who drew this bill was to use the evidence obtained against the man from whom he obtained it. The gentleman from Alabama says these are physical facts. Every criminal lawyer, in this House or out of it, knows that the very strongest evidence that can be produced in a court of justice is a physical fact. A witness may go on the witness stand and swear to a lie as to what he saw or heard, but he can not go on the witness stand and exhibit a lie by way of a physical fact.

I will give you an example: When I was a boy I had a playmate who had a double thumb. Now, suppose a murder had been committed in that neighborhood after that young fellow became big enough to commit a murder, and it had turned out by the blood marks that the man who committed the murder had a double thumb, and it also had turned out that my double-thumbed playmate had been placed on trial for that murder, will any man here who is fit to try an assault and battery case in the court of a justice of the peace assert that you could have made that man stand up and exhibit his double thumb to that jury as a matter of evidence against himself?

I will give you another example that some of you have not noticed: Out here on the walls of the Rotunda is a great picture of the Baptism of Pocahontas. There is a big buck Indian sitting up there, with six toes on one foot. That is a part of the art in the city of Washington! Now, if there ever was such an Indian, suppose that in his day, generation, and neighborhood somebody that had six toes on his right foot, as shown by tracks, had committed a murder? Does anybody believe that that Indian could have been made to stick his foot up in the presence of a jury and exhibit the six toes on his right foot as evidence on which to convict himself?

The prosecution might prove aliunde that the Indian defendant had six toes on his right foot, but he could not be compelled to establish the physical fact himself by placing his foot with the superfluous toe in evidence against himself.

Mr. HEPBURN. Mr. Chairman, will the gentleman allow me to ask him a question there?

Mr. CLARK. Yes.

Mr. HEPBURN. He has given me just the illustration that I want. Suppose, now, that your friend with the double thumb had left the impression of it in some way upon an article that was afterwards stolen. An action of replevin is brought to recover that stolen property.

Mr. CLARK. Oh, that is a civil procedure.

Mr. HEPBURN. Could you not make him put up his thumb?

Mr. CLARK. That is a civil procedure.

Mr. HEPBURN. This is a civil procedure to get this article for the purpose of having it examined.

Mr. CLARK. No; this provides for a criminal prosecution.

Mr. HEPBURN. No; it is not. It is a civil proceeding, a scientific inquiry. The criminal proceeding comes afterwards, and when you attempt to prosecute, then that question can be raised.

Mr. CLARK. Now, Mr. Chairman, I want to ask the gentleman from Iowa another question: Does he know of any kind of a civil procedure in which a man is liable to be fined and sent to jail?

Mr. HEPBURN. Yes.

Mr. CLARK. What is it?

Mr. HEPBURN. Why, where he refuses to act as a witness he is fined for contempt and sent to jail.

Mr. CLARK. Oh, that is a quasi-criminal procedure, that grows out of the civil procedure.

Mr. HEPBURN. Well, in torts often.

Mr. CLARK. Now, listen. I will read to you the law, your own bill. Section 9:

That any manufacturer, producer, or dealer who refuses to comply, upon demand, with the requirements of section 8 of this act shall be guilty of a misdemeanor——

Mr. HEPBURN. Yes.

Mr. CLARK (reading):

and upon conviction shall be fined not exceeding $100 or imprisonment not exceeding one hundred days, or both.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. I yield five minutes more to the gentleman.

Mr. HEPBURN. When a citizen in this civil inquiry refuses to do his duty he becomes delinquent and he may be prosecuted under the law.

Mr. CLARK. Now, Mr. Chairman, I have another objection to this whole business.

Mr. STANLEY. Is it not a fact that the Hitchcock decision to which you refer was simply a question in which a witness refused to testify to the grand jury on the ground that it was a judicial decision?

Mr. CLARK. I may not have stated everything that was in that case. I want to repeat here that I am not opposed to legislation that is fair and within reasonable scope on this subject. But the whole tendency of Congress under this interstate-commerce clause of the Constitution is to usurp all the authority of the States and to discriminate against somebody and in favor of somebody.

My friend from California [Mr. BELL] has introduced a bill here dividing all wines into "pure wines" and "compound wines." I used to go to school to a college professor, Prof. John H. Neville, of Kentucky University, who divided all creation into Greeks and barbarians. [Laughter.] Now, here is a provision of Mr. BELL's bill:

Section 1 (in substance). "Pure wine is a wine that has no foreign substance whatever in it, and all other wines are compound wines."

SEC. 2. That from and after the passage of this act there shall be levied and collected upon all wines produced in the United States or imported into the United States from any other country the following tax: Upon pure wine the sum of one-tenth of a cent per gallon, and upon compound wine the sum of 25 cents per gallon, to be paid by the manufacturer of the home product or the importer of the foreign product, as the case may be.

Mr. Justice Miller said: "The power to tax is the power to destroy."

Mr. BELL's bill would tax all American wines except California wines out of existence.

Now, Mr. BELL, when he introduced that bill, knew that in California they grow grapes of a character that they can make wine from without adding anything to the juice, while we know that wine made from grapes grown east of the Rocky Mountains has to have sugar or other ingredients put into it to take away the superfluous acidity so as to make it palatable for people to drink. I want to say in that connection that I rarely drink wine, and do not believe I have drank a gallon of wine in my life. The Missouri River bluffs produce grapes that make wine equal to the wines of France or California, and under the terms of this bill before the House now, wines made out of Missouri, Ohio, and Kentucky grapes, or any other grapes except those of California, are absolutely prohibited.

Mr. BOUTELL. Will the gentleman allow me to ask him a question? The gentleman said that this wine part or text of the bill was in keeping with the bill before the House. I want to ask the gentleman from Missouri if it is any more in keeping and if it is not on all fours with the outrageous oleomargarine bill passed during the last Congress?

Mr. CLARK. I will say that it is just exactly the same sort of a bill.

Mr. BOUTELL. And if it is not the direct outgrowth of the precedent which we established then, and which the distinguished gentleman from Mississippi, the leader on that side of the House, said would flow into this Congress?

Mr. CLARK. Yes, exactly; I voted for the oleomargarine bill. Open confession is good for the soul. [Laughter.] What I have to say is this: I am not making a speech in favor of temperance or of prohibition, or against temperance or prohibition. And I am not going to have any controversy with anybody in this House or out of it on that subject. The making of wine is going on in this country, and the drinking of wine is going on, and if that is to be the case I want to see the grape growers of Missouri and the Mississippi Valley have as good a chance to make wine as the grape growers of California. Now, I want to read to you a few words from a letter which I have received from a constituent.

Down in the south end of my district there is one of the largest wine manufactories, if that is the proper term for it, in the United States. It is the Stone Hill Wine Company. It is not a bogus concern that makes wines without grapes or that sails under false colors or gets money under false pretenses. They have built up a vast business, not only selling to the people of Missouri and the people of the United States, but they make wine of such merit that they ship it to Europe and compete in the fairs and the exhibitions of Europe with the wine manufacturers of France.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK. Give me five minutes more.

Mr. MANN. I yield five minutes to the gentleman now, and later will try to give him five minutes more.

Mr. CLARK. Now, these gentlemen say:

If this bill—

That is, Mr. BELL'S—

passes Congress, all wineries, large and small, east of the Rocky Mountains will be wiped out of existence with one lick.

Mr. HEPBURN. Will the gentleman permit me to pacify him on that point?

Mr. CLARK. No. If you will allow me to read this part of this letter, then you can come in.

Mr. HEPBURN. You are talking about another bill, not this one.

Mr. CLARK. Mr. BELL's bill is just simply a sort of supplement to your bill.

Mr. HEPBURN. Oh, no.

Mr. CLARK (reading):

We have an altogether different climate here (the climate east of the Rocky Mountains) than that of California, and under the many and altogether different conditions it is necessary that the making of wine is handled altogether different in the eastern section of the United States than they do to make wine in the tropical State of California. Why should it not be allowed and considered as absolutely pure wine if sugar and water is added to grapes in the Eastern States, since said grapes are not so sweet as those grown in California? With the same argument we could consider as impure a sweet-potato pie made in Northern States from northern sweet potatoes, as they do not contain the excessive amount of sugar as those grown in the Southern States, from which they make pie without adding sugar, for the potatoes are sweet enough. Gallizing was not invented in America, but is practiced since centuries in Germany and France, the two greatest wine-producing countries in the world. The whole matter is very simple.

That it is necessary to use sugar in making wine from grapes raised east of the Rockies is clearly demonstrated in a book entitled "American Grape Growing and Wine Making," published by the Orange Judd Company, of New York City, from which I would read copious extracts if time permitted.

Now, if the gentleman from Iowa desires to ask me a question I will hear him.

Mr. HEPBURN. If the gentleman from Missouri will direct his critical attention to page 17 of the bill, beginning at line 6, he will find this language:

That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition fourth of this section.

That does not prohibit the use of sugar in grape juice in the manufacture of wine, but does permit that to be done if the sugar is not a poisonous or deleterious ingredient.

Mr. CLARK. Mr. Chairman, there is on the statute books of this country what is known as the Sherman law. I believe that it is sufficient when it is supplemented by the various State laws on this subject of the adulteration of food. It is very short and very simple, and I will read it:

An act to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced.

Be it enacted, etc., That no person or persons, company or corporation, shall introduce into any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia, or sell in the District of Columbia or in any Territory any dairy or food products which shall be falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by others.

SEC. 2. That if any person or persons violate the provisions of this act, either in person or through another, he shall be guilty of a misdemeanor and shall be punished by a fine of not less than five hundred nor more than two thousand dollars; and that the jurisdiction for the prosecution of said misdemeanor shall be within the district of the United States court in which it is committed.

Approved July 1, 1902.

Now, if section 1 were extended to all things edible and drinkable, then you would do what we ought to be attempting to do with this bill, and it would not require all this expensive machinery and the risk of having somebody in the Agricultural Department discriminating against one kind of food and in favor of another. They say the gentlemen over there are high-toned gentlemen. I have no doubt of it, but there is a possibility, if not a probability, that they would favor one and discriminate against another. Mark Twain said once that human nature is very strong, and we all have a heap of it in us.

These gentlemen over there are, I take it for granted, honest. They are not free from prejudice; and if their chemical analysis as to what is wholesome in this country and other countries and what is not wholesome is to be taken as final, then their prejudice, if not their interest, is liable to warp their judgment to such an extent that they may discriminate in favor of one food product and against another equally good. If these gentlemen will take this bill back and remodel it and bring it in here so shaped that it is reasonable, there will be no opposition on my part. [Applause.]

Mr. MANN. Mr. Chairman, so that we may have a full discussion of the subject of wine, I yield ten minutes to the gentleman from California [Mr. BELL].

Mr. BELL of California. Mr. Chairman, I have the honor to represent in part the State that stands first in this Union in the production of wine and olive oil. For this, as well as for other reasons of a more general character, I am very much interested in the provisions of this bill. In the limited time that has been afforded me I have carefully examined its terms to ascertain if there be any grounds for the fears expressed by the gentleman from Missouri [Mr. CLARK]. I can not find anything in the measure that need cause apprehension to the honest wine makers of the country. The bill is much more liberal than the pure-wine bill that I have introduced in the House, and which is now being considered by the Committee on Ways and Means, and which will ultimately be reported to this body, I hope, so that I may present its claims. There is nothing in the pending bill that prevents the wine manufacturers east of the Rocky Mountains from using sugar for the purpose of inducing fermentation or raising the alcoholic strength of their wines. We find all the important provisions defining the adulteration of food and liquors in the seven subdivisions of section 6. The last two, six and seven, are the only ones that affect wines, in my judgment, and they are as follows:

6. If it contain any poisonous ingredient which may render such article injurious to health.

7. If it is labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when it is not.

I hope that the friends of the wine industry as well as the friends of other pure foods will vote for this bill, because it will be of immense benefit not only to the consumers of America, but also to the producers of the land. Since coming to Washington I have on several occasions consulted with Doctor Wiley, chief chemist of the Department of Agriculture, to acquaint myself with the actual operation of the law that went into effect last year, and by which the Treasury Department was authorized to examine foods and liquors shipped into this country from abroad, and to refuse them entry wherever they were found to be injurious to health.

Without derogation to any other man who may be a friend of the industries I mention, permit me to say that, in my opinion, Doctor Wiley has done more real good for the wine industry and the olive-oil industry of America during the last year than was ever done before by any man or by any agency. Why? Because he is constantly holding up at the port of entry all importations of wine and olive oil and other foods that are deleterious to health.

In consequence no article is now permitted to enter this country that is unfit to be eaten or drank or which will not stand the test of the stringent pure-food laws of the European states. Several great cargoes of wine and olive oil have been rejected and reshipped to the place of exportation. This is a protection that we have long needed, and now we ought to go further and supplement that law by a measure that will prevent adulteration here at home. As it is now, you do not know when you call for a bottle of wine and pay a fancy price for it whether you are drinking the pure juice of the grape or are drinking a chemical wine.

A great portion of the wines consumed in this country contain chemicals, acids, coloring matters, and other substances that are positively injurious to health. Nothing could induce you to extract the sulphuric acid from that sparkling bottle of sauterne on the desk of the gentleman from Illinois [Mr. MANN], pour it into a spoon, and empty it into your system. Yet, unwittingly, you may at any time sit down with a friend at a nice dinner, pay a fancy price for just such an article, and proceed to poison yourself with the sulphuric acid it contains. I shall at some future time, when occasion affords, go into this subject much more deeply, so that I may show up some of the impure wines of this country in their true light.

When we leave the great good that is to be accomplished by this bill and enter into a discussion of some constitutional question involved in one of its provisions, it seems to me that we are getting away from the vital features of the bill. I differ from the gentleman from Missouri [Mr. CLARK] as to the right of the Government to demand samples of suspected goods. By such a requirement a man is not being compelled to become a witness against himself in violation of the Constitution. In every State the assessors of each county requires a man to render a report of his property, showing its character and extent; and if he should make a false return, or include therein the evidence to indict him, the man is punished in a criminal proceeding, and I have never yet heard anyone claim that by rendering such a report he was compelled to become a witness against himself.

Again, in every State of the Union there are laws that require births and marriages and deaths to be registered, and a failure to do so is punishable by fine or imprisonment; yet I have never heard of a man's going before any court of justice and saying, "You had no right to compel me to make such a record; you have no right to punish me for anything that I have included or omitted from such statements, for thereby you forced me to supply evidence against myself." Let us get down to the essentials of this bill. Its prime object is to prevent the adulteration of foods. It affords protection to every legitimate industry in the land; it protects the American public from fraud and deception. These are things that this measure is bound to accomplish, and every Member who desires to protect our people from imposition and fraud should cheerfully give his assent to this act. [Applause.]

Mr. ADAMSON. Mr. Chairman, I yield ten minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman, I want to begin my brief argument on this bill by seconding the protest of the gentleman from Missouri [Mr. CLARK] as to the way in which we do business in this House. It may not become a new Member to complain, and yet here we have a bill reported on the 18th of January, a bill that will perhaps affect in as many ways as many manufactured products of this country as any bill that has ever been introduced, and on the 19th of the same month we are called upon to vote upon that very bill, and must hear arguments as to whether we shall even be allowed two or three hours on a side for the purposes of debate.

I want to say in all candor that I do not feel qualified now to deal with a great many features of this bill that I would have undertaken to make myself qualified to speak to, simply because I have had no opportunity of seeing the bill as reported until I came to the House this morning. I want to enter my protest to another proposition. I am not willing to disregard what I consider to be the fundamental principles at the base of our Government for any purpose, no matter how good the purpose may be that I am after. I am not willing because I am in favor of pure food to disregard that distinction between Federal and State jurisdiction which ought to control us all in legislating here.

I am not one of those sticklers for State rights who are willing to use that as a pretext for obstruction to everything that may come up; but I believe there is a clean line of cleavage between what legislation should belong to the States and what should belong to the nation and that this bill particularly disregards that distinction. Our National Constitution owes its existence to the interstate commerce of America. It was because Virginia and Maryland were unable to agree in regard to commerce passing between the States and along the rivers on which they both border that there was a convention called between those two States.

Out of that convention thus called came the call for another convention, at which different States of the then Confederation came together, and in that convention was formulated the now existing Constitution of the United States, and when we have here for consideration a measure as important as this, based on the commerce clause, and we are told that we shall not consider any question other than the need of pure-food laws, I propose to protest.

It is in the power of every State of this Union the moment goods come within that State to say to any man or any citizen of the State that he shall not use those goods or that he shall not sell them. A State can absolutely prohibit him from eating or drinking a thing he buys if the State so desires. It can not prohibit the coming in of that article from another State, but when it gets into the State it can say what shall be done with it. Now, there is ample power in every State of this Union to regulate everything necessary for purity of food.

I am perfectly willing to, I would gladly, aid in passing a bill through this House that shall regulate the purity of commodities if it is limited to foreign goods brought into our markets or to the control of goods within the District of Columbia or any of the Territories. That is properly the province of the National Government.

But I do not believe that the National Government should undertake to usurp a function of the State. It has become the

fashion in recent years for men to turn from the State to the nation. It is one of the inheritances of the civil war that we should centralize power; but unless we are going to reform radically our whole Government we must recognize that of necessity more than 90 per cent of the things that relate to life and property belong within the jurisdiction of the States. And the remedy for evils such as this bill aims at is not to turn to the National Government, but it is to make your State governments effective.

Say to these people that come from the different States asking Congress to regulate affairs that do not belong to its sphere, "Go back to your State, have your State pass proper laws, and then see that your State enforces the law." That is the remedy; not to come here asking us to step outside of our legitimate authority.

Just one other suggestion, and that is that the commerce clause of the Constitution has two distinct functions, and in my judgment they are very distinct. One of them relates to foreign commerce and the other to commerce between the States. Simply because those two powers are granted in a single sentence is no reason why they should be supposed to be identical. The power of Congress in reference to this subject as defined by the Constitution is:

To regulate commerce with foreign nations and among the several States and with the Indian tribes.

So far as that provision relates to foreign commerce, I believe it was the intention of the makers of the Constitution that Congress should not only regulate in the ordinary sense, but that Congress should have power to prohibit, if necessary. At the time the Constitution was adopted the people of this country desired to have national control over commerce, so as to be able to strike at England and other foreign countries that were destroying our commerce.

But when it came to a question of commerce between the States, that provision was inserted in the Constitution for the sole purpose of establishing free trade between the States. And if there has been one thing that has made the American States great—great in spite of all your protective-tariff laws—great in spite of everything that has been done to hamper trade—it has been that provision of our Constitution which has absolutely required free trade between the States.

Now, gentlemen, I do not believe that it was intended that this clause of the Constitution should be used as a cover to take away from any State its police power, and to undertake to regulate commerce in the sense of saying what particular things should be articles of commerce and what should not, and to provide that a standard might be established by one man, enabling him to say whether or not a thing should be permitted to be used as an article of commerce. That is the great objection I have to a bill of this kind.

I believe there are sufficient objections to individual features of the bill to cause this House to hesitate before voting to place it upon the statute book. I do not believe it wise to centralize power as you propose to do here. You are practically saying that the Secretary of Agriculture and the officers under him—and after all they will be answerable to him—you are practically saying that one man shall determine whether a given product comes up to the standard of purity that he may set forth, and according to his standard that product shall or shall not be used.

I believe that a large part of the talk about the need of pure-food legislation is "buncombe," anyway. I believe that the mass of the people have enough intelligence to take care of themselves. I am tired of constantly hearing somebody get up in a legislative body, State or national, and say, "You must protect the people." Usually the people are amply able to take care of themselves. And when you sift the matter down, these appeals in the name of the people are simply a cover for some manufacturer who is trying to get the best of some other particular manufacturer.

My contention is that you should materially amend this bill, and at the proper time, if I should have the opportunity, I shall move to strike out those provisions relating to trade between the States, making this bill apply simply to commerce with foreign nations, and also perhaps to the Territories, though it does seem to me that even as to the Territories it would be better to leave such matters as this to the Territorial legislatures. But certainly you should strike out those provisions that undertake to regulate commerce between the States. Leave such trade free, as the founders of our Government intended it should be.

By withholding such legislation as this bill proposes you are not taking away the police power of the respective States. The moment that any article of commerce in the form of adulterated goods goes into the State of Kentucky, for instance, that moment the State can say that the citizen shall not use or shall not sell those adulterated goods.

Nothing has done so much to promote peace between the different sections of this country as the freedom of trade which the Constitution wisely provided for.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. I ask for just a couple of minutes more.

Mr. ADAMSON. I yield the gentleman two minutes more.

Mr. SHERLEY. The provision to which I have just referred has prevented jealousies between the States. It was put into the Constitution for that purpose. But now you are proposing a law the effect of which may be to shut out the food products, the tobacco, the whiskies of my State from other States, or the wines of California from other States; in fact, the goods of any State from other States, not at the instance of such other States, but practically at the dictation of one man.

And thus you are sowing the seeds of discord. You are creating those things that make sectional strife, and you are preparing the way for the disruption of our Union. I believe that this bill is fraught with much evil. Let us stay within the lines that were originally laid down, and let the States regulate the matter for themselves. [Applause.]

[Here the hammer fell.]

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. STANLEY].

Mr. STANLEY. Mr. Chairman, I shall address myself to only one proposition, that discussed by the gentleman from Missouri [Mr. CLARK], as to whether or not this bill has within it regulations that are unconstitutional.

If this bill has anywhere within it any provision that is contrary to the plain letter of the Constitution, then it does not matter how much good there is in the bill, it ought to go down, because the Constitution is more sacred than any or all statute laws, and we should learn at the very threshold not to regard it as an immaterial matter—not a matter to be guessed at by the courts. If we believe it is unconstitutional, then we should never support it. And it is because I believe that this question is essentially vital that I have addressed myself to it. I am frank to say that I am not such a criminal lawyer as the gentleman from Missouri [Mr. CLARK]; but to my mind nothing could be clearer than that it is not unconstitutional.

The gentleman from Missouri fails entirely to draw the distinction between that privilege guaranteed by the Constitution, which is simply personal, and extraneous independent facts beyond the control of the accused which may be used in a criminal procedure against him, and the distinction is very simple and very plain. This bill of rights of which the gentleman speaks conferred no additional authority. We are no better off, we who are under the common-law rule, than if the Constitution had said nothing about it, because it was but a reaffirmance of the old common-law rule, and my authority for that statement is Judge Story. Then I say that every lawyer who is acquainted with the old common-law rule knows that there is nothing here that is unconstitutional. The gentleman as a criminal lawyer gives an instance of the boy with two thumbs and of the Indian with six toes.

Suppose that the Indian with six toes had been guilty of murder, and the blood from his victim had fallen upon the ground, and his six-toed foot had stepped in it, and in his flight across his cabin he had left the tracks of his foot there. Will you tell me, sir, that you could not bring a jury within that cabin because it was his cabin or his wigwam and his wigwam could not be used against him?

Mr. CLARK. What do you say about making him hold up his foot before a jury to ascertain if he had six toes?

Mr. STANLEY. That is the difference between an Indian's foot and an Indian's track, and that is the difference between a privilege personal to a man and a bottle of merchandise placed out in the open markets of the world. If the print of that Indian's double thumb had been left on some article of his own, that article could be used as evidence. So it is that when a man puts into the open markets of the world articles that are deleterious, that are full of extraneous and poisonous matter, the articles put upon sale are separate and distinct from the man, and he can not claim a personal privilege when you want to take the article from the open markets of the world and use it in evidence against him.

A very simple illustration, I think, will make my point perfectly clear. None of you ever went into a side show without seeing these various freaks selling their pictures. Suppose that the two-headed boy or the fat woman should commit a murder here in the city of Washington, and you come here after the fat woman has gone to Missouri and you say to the photographer who has the negative and who is selling her pictures as her agent, "Here is a 50-cent piece. I want a picture of that fat woman to introduce in evidence in a court in Missouri." Will the learned gentleman say that you have no right to purchase that picture, and that if you purchase it you have no right to introduce it here because it is the property of the fat woman? Certainly not.

[Here the hammer fell.]

Mr. ADAMSON. I yield to the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. SULLIVAN of Massachusetts. Mr. Chairman, the gentleman from Massachusetts [Mr. GARDNER] has recently dis-

cussed the question of reciprocity with Canada, which has been raised by the resolution of the Democratic leader, Mr. JOHN S. WILLIAMS. I think it may be shown that the views of the gentleman from Massachusetts are not representative either of his district or his State. Nor do I believe they are shared by any other member of the Massachusetts delegation. When the voice of that State is not suppressed by the leaders of the Republican party it will be raised on this floor in favor of reciprocity with Canada by Republicans as well as Democrats.

The demands of her leading trade bodies, such as the New England Shoe and Leather Association, Boston Fruit and Produce Exchange, Boston Chamber of Commerce, Boston Merchants' Association, and her merchants and manufacturers generally as represented in hundreds of commercial organizations throughout the State, leave no doubt of Massachusetts' desire for freer trade relations with Canada. She favors immediate reciprocity with Canada, and will not be satisfied with the explanation that reciprocity in noncompetitive products is the only possible basis of negotiation, for she knows that reciprocity means mutual concessions, and that we must be prepared to accept some temporary losses as the result of competition, knowing that the increased volume of trade will eventually compensate us a hundredfold. It will be easy to show that the views of many manufacturers in his district are not in agreement with his own, as his attack upon reciprocity has called forth a chorus of dissent from leading manufacturers in his district and, indeed, throughout New England generally. He said that he was not prepared to sacrifice the shoe interests of his district, and, acting upon this suggestion, a trade paper addressed to the shoe manufacturers of New England the following query:

Are you in favor of a treaty of reciprocity with the Dominion of Canada by the terms of which Canadian-made shoes would be admitted into the United States free of duty if American-made boots and shoes were admitted into Canada upon the same terms?

Sixty replies were received from manufacturers who represent invested capital of $50,000,000, and fifty-four of the sixty, who do in the aggregate an annual business of $55,000,000, replied in the affirmative. This shows an overwhelming sentiment in favor of free trade with Canada in boots and shoes. The majority sentiment of the manufacturers is epitomized in the reply of Hon. William B. Rice, of Boston, who said that "if the question could be settled by the shoe manufacturers, reciprocity with Canada would begin at once." While a large majority of New England shoe manufacturers favor reciprocity with Canada in boots and shoes now, it is apparent that if the duty of 15 per cent on hides were removed practically the entire trade would favor it. The fact that leather imported into the United States and tanned here may be sold in Canada cheaper than in the United States accounts for some of the opposition to free admission of Canadian shoes.

There seems to be amongst shoe men in New England three classes of opinion. First, the great majority that believe in free admission of Canadian shoes in consideration of their free admission of our shoes; second, some of the minority that would favor it if the duty of 15 per cent on hides could be removed; third, the remainder of the minority who would favor it even if the 15 per cent duty on hides remained, provided the 99 per cent rebate on leather exported from the United States to Canada could be stricken out. The rebate duty in this case operates on the patriotic Republican principle of charging our own citizens more than we charge foreigners. [Applause.]

Now, tariff conditions are equal as respects rates, both countries imposing a 25 per cent duty on boots and shoes. Therefore, if the duties on shoes were abolished by both countries, tariff conditions would be no more unequal than they are now. Canada would be able to sell her shoes cheaper here than she can now; but so would the United States be able to sell shoes cheaper in Canada than she does now. But the gentleman from Massachusetts says that Essex County manufacturers would be crushed by Canadian competition if we admitted Canadian shoes free. He says that the Canadians have "far lower wages, laxer enforcement of labor laws, and far weaker labor unions." He admits, also, that Canadian shoemakers are just as skillful as those employed in the United States. He might have added that Canadian manufacturers could obtain imported leather which had been tanned in the United States cheaper than New England manufacturers could. Therefore, on his own showing, every item of cost of production would be less in Canada than here.

According to the protection idea, therefore, Canada should be able to supply all of her own citizens with boots and shoes, because the greater cost of production in the United States should prevent American competition from being successful. Yet, in spite of the so-called advantages of Canada in cheaper labor, longer hours, laxer enforcement of labor laws, and the protection of a 25 per cent tariff duty, we undersell her in her own market. Thus we sold her $800,000 worth of boots and shoes last year, while Canada sold us practically none. It will be difficult for my colleague to explain this paradox by any process of reasoning practiced by his party, but the explanation is easy, after all. It is because our industries are established longer, are more highly developed, and have more intelligent and better paid, because more productive, labor.

It is for these reasons that, although Canada has abundant stores of iron ore and coal, she has to pay bounty to encourage manufactures of iron and steel, and, notwithstanding these advantages, natural and artificial, the United States, after paying tariff duties to Canada, undersells her in her own market in products of iron and steel. Thus, United States steel billets have been offered in Canada at $20 per ton, while Canadian manufacturers were asking $24 and $26 per ton for pig iron. And it is common knowledge that American steel rails easily control the Canadian market.

The gentleman says, however, that he believes in reciprocity "in a general way." I fear that his belief is very general indeed—as general perhaps as the last declaration of the Republican platform in Massachusetts on the subject. In fact, so general that it is incapable of being formed into any specific proposition. I suspect that the gentleman would like to throw a cent into the air and say to Canada, "Heads, I win; tails, you lose." Such a proposition would suit him. If Canada agreed to buy all she consumed from the United States and sell to us only those things we did not produce, and which, therefore, we might as well buy from Canada as anyone else, he would agree to that kind of reciprocity if, after examining the scheme carefully on both sides, he became convinced that it did not contain some diabolical device to ruin the fish interests of Gloucester. [Laughter and applause.] These must be saved though the heavens fall. For we have learned from him that the Gloucester fishing fleets are the nursery of the future American Navy, and to neglect these mariners is to leave us exposed to the ravages of the natives of Colombia and other piratical nations. [Laughter.]

Indeed, he burns with the wrongs of Gloucester's fishermen when he says that Newfoundlanders "come out at night with their guns and tear up our nets." Softly, I pray! This dire charge contains the horrible potentiality of war. It may reach the ears of the Executive, and one can not tell what may happen some dark night. [Laughter.] We have troubles with nations to the south of us. We would not add new ones at the north. The recitation of our grievances with Newfoundlanders is truly pathetic, and I will not harrow the feelings of the gentleman by examining further this branch of his statement. Furthermore, I do not like to discuss this special aspect of his speech, as it is "a fish story" on its face, and I do not think the House cares to hear a reply to a fish story. [Laughter.]

He says he believes "perhaps in reciprocal treaty arrangements with Canada in such products as are noncompetitive," but that we ought to see first whether we are making a good bargain before we throw open the trade of our 80,000,000 people in return for the trade of Canada's 5,000,000. The answer to this suggestion is that disparity in population is no criterion of the wisdom of bargaining for mutual trade benefits. Thus, although Russia and China are more populous than Canada, reciprocity with Canada would be far more profitable than reciprocity with Russia or China. Furthermore, if this rule of disparity were strictly applied, reciprocal tariffs would be impossible, as no two countries are equal in population.

The real test is not how many individuals are on opposite sides of the line, but what products on one side may be exchanged for products on the other with profit to both sides. [Applause.] He believes that as our products and theirs are alike, the admission of their products would imperil the existence of our industries. Therefore, he argues, we should not have reciprocity except in noncompetitive products. Let me cite distinguished Republican authority on this point. Thomas B. Reed, speaking of this objection, said, in substance, that a reciprocal convention on noncompetitive products could be framed only in the mind and that reciprocity in both competitive and noncompetitive products is the only possible basis of negotiation.

Nor need it be feared that American capital will leave this country if reciprocity is established. The fear that Americans may invest their capital in Canada for the purpose of manufacturing and then exporting products to the United States to compete with ours because of the cheapness of production in Canada owing to low prices of labor is groundless, for there is no duty on Canadian labor. It may cross the line freely; it actually does, and the most ardent protectionist has never sought to protect American labor on this side of the line by a tariff on Canadian workingmen. American capital has crossed the border because it could obtain the materials of manufacture cheaper there than it could in our own trust-ridden land, and nothing will check this transfer of capital to Canada quicker than the reduction of duties upon materials of manufacture imported from Canada into the United States.

Let us not be governed by the false idea that we prosper only when we sell most and buy least. Both countries gain by supply-

ing each other's wants. Canada needs a market for her lumber, fish, and farm products, coal, and ores. Our manufacturers would be benefited by her lumber, coal, and ores, as they would afford relief from the exactions of our tariff-protected trusts, and our labor would receive the benefit of lower prices for food through the competition of Canada's fish, farm, and dairy products. On the other hand, Canada requires our agricultural implements, boots, shoes, and manufactures of cotton, rubber, iron, and steel. In 1902 we exported to Canada goods of a total value of $120,814,000 and imported from Canada goods of a total value of $66,567,000. Of our exports to Canada, the value of manufactured products was $69,536,000 and of farm products $51,278,000. Of our imports from Canada, the value of manufactured products was $59,540,000 and of farm products $7,027,000. These figures do not represent the possibilities of our commerce with Canada, for tariff duties diminish the total volume of trade. Now, is it not wise to preserve unimpaired the volume of this beneficial trade and to avail ourselves of every opportunity to increase it to the limit of its possibilities?

But the gentleman from Massachusetts says that the discussion of reciprocity is purely academic and can bring no practical results. Does he speak by the card? Are the treaties with South American republics now pending in the Senate, under which hides would be admitted into the United States free of duty, academic propositions or are they practical matters upon which the Republican party really intends to act? Did the bills introduced by members of his party from his State demanding free coal and free hides for Massachusetts manufacturers embody only academic questions also? Or were they intended to be practical measures of reform? The coal duty has gone on again, and his party, with all the machinery of government in its control, did not lift a finger to prevent the outrage. Will the free-hides bill die a-borning also? We are afraid it will, as a campaign is coming and contributions from the beef trust are needed by the G. O. P. [Applause.]

I do not believe reciprocity with Canada is an academic proposition. The shoe manufacturers of New England evidently regard it as a practical proposition and consider the theories of its opponents as academic. The benefits resulting from its consummation will be real, not fanciful. If we open our doors to Canada's products, the necessaries of industry will become cheaper; then our manufacturers will sell cheaper and their sales will increase. Wages will advance because of the increased demand for labor, and genuine prosperity thus created will raise the standard of living and promote the advance of civilization.

We can not expect to treat Canada unfairly forever and still retain the commercial benefits we now enjoy. There is a limit even to Canadian patience, and the granting of a 33⅓ per cent preferential rate to English imports indicates that the limit has been reached. It is not wise to wait until Canada, in an ugly mood, imposes upon us retaliatory tariffs or grants further preferences to England.

It was natural to expect that when our tariff prevented Canada from trading on fair terms in our markets she would endeavor to get along without our aid. Accordingly she encouraged the growth of manufactures within her borders. These manufacturers now would like nothing better than commercial war with the United States that would result in prohibitive tariffs and give Canadian manufacturers freedom from the competition of our manufactures in the Canadian market. When Canadian manufacturers are strong enough to control their government liberal terms for our manufacturers can not be had in any reciprocity treaty that may be obtained. She will not continue to buy from England only 40 per cent of what she buys from us while England buys from her twice as much as we do. Still, as Canada's natural products are her greatest source of wealth, we have a chance of getting a favorable treaty by admitting these natural products at reduced rates now, but we may lose that chance if we wait until her manufactures increase so as to equal her natural products.

Longer delay means the further development of her manufactures. Increase of manufactures means increase of political power in the hands of the manufacturers and increased duties on American manufactures in any possible trade treaty. There is the further danger of the success of Chamberlain's scheme. That will mean, of course, increased preferentials by Canada to England and will mean, in addition, retaliatory tariffs by England and all her colonies. If we anticipate Chamberlain by framing a reciprocity treaty with Canada, the preferentials to England will disappear and Chamberlain's scheme will fall to the ground—not alone the Canadian branch of it, but the entire plan, because he can not bring his agitation to a successful conclusion unless he is absolutely certain of Canada's cooperation.

What, then, will the Republican party choose? Reciprocity or retaliation? Commercial friendship or commercial war? If you do not take the former, you will have the latter forced upon you. Remember the words of William McKinley: "Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not." You have the power to embody the spirit of these words in the law of the land. You are charged with the duty of legislation upon this subject. Will you discharge your duty and obtain the approval of the people or violate your trust and meet their condemnation? [Loud applause.]

Mr. ADAMSON. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Georgia has twenty-four minutes remaining.

Mr. ADAMSON. I yield that to the gentleman from Indiana [Mr. ZENOR].

Mr. ZENOR. Of course, when the Chairman has announced that the gentleman in charge of the time of the minority has only twenty-four minutes, I desire to inquire of my friend from Illinois [Mr. MANN] whether or not he can grant any further time from his side?

Mr. MANN. I very much regret to say, Mr. Chairman, it is not within my power to grant the gentleman time. If I had time to spare, I would be more than willing to yield it to the gentleman. My time is very nearly exhausted.

Mr. ZENOR. Mr. Chairman, in view of the fact that the time limited would not permit me to attempt to address myself properly to the subject on which I desired to submit my remarks upon this occasion, with all due deference to my friend from Georgia, fully appreciating his courtesy, I desire to surrender back the time and let it be used by those who desire to occupy the floor in discussion of the bill now before the committee.

The CHAIRMAN. The gentleman from Georgia is recognized. The gentleman from Indiana has yielded back the twenty-four minutes.

Mr. ADAMSON. I yield to the gentleman from Georgia, my colleague [Mr. BARTLETT], such time as he wants.

Mr. BARTLETT. Mr. Chairman, I was not aware of the provisions of this bill until just now, it having been reported to the House yesterday, and it is my purpose now to occupy but little time in the discussion of it. I do desire, however, if I can have the attention of the committee, to say that I do not believe that this bill is necessary, so far, at least, as my own experience is concerned with the laws of my own State, nor do I believe that it is necessary so far as the laws of other States are concerned in order to have the laws against the adulteration of foods or the sale of fraudulent goods punished or prevented.

I stand here to say, Mr. Chairman, and I am sorry that my distinguished friend from Alabama [Mr. RICHARDSON] stated that he thought otherwise, that in my judgment the courts of the State of Alabama and the courts of Georgia and the courts of all the other States of this Union and the juries of the State courts in Alabama and in Georgia and in every other State in this Union are perfectly able to take care of the questions of enforcing the laws that they have upon their statute books against the adulteration of food and deceiving the people into purchasing falsely named or branded products. I will never admit what the gentleman from Alabama seems to admit, that the Federal courts or the Federal juries are more efficient in the administration and the enforcement of the laws of the United States than the courts and juries of the States are in enforcing the laws of the States against the same classes of offenses.

Furthermore, I make bold to assert that, from my information and reading of the decisions of the Supreme Court of the United States in construing, in upholding, and in enforcing the laws of the various States passed to prevent the adulteration of food, and the punishment therefor, and the laws passed to punish the palming off upon the public things represented to be one thing when they are not what they are represented to be, that the States of this Union now have the right, in the exercise of that police authority which they retain, and will always retain, to punish effectually for such offenses. I would not be willing to believe or say that the courts of the States do not administer the laws in the States efficiently, and I do say most positively that, so far as the State I have the honor in part to represent upon the floor of this House is concerned, the laws of the State are enforced as efficiently in the courts of the State as they are in the Federal courts held in that State; and that so far as passing this bill in order to have the laws more efficiently enforced by giving jurisdiction of the offenses made by this bill to the courts of the United States, I deny that it will be done more efficiently than the laws of the States are now enforced by the State courts.

This I deny. Why, in the Federal courts you have the same class of citizens drawn upon the juries that are to try these criminal cases as make the juries in the State courts. They are drawn

from the same citizens as they are in the State courts. The men upon the bench of the State judiciary are the peers of either the district or circuit judges that preside over the Federal courts.

Now, coming back to the proposition. My State has upon its statute book laws that are enacted to protect its citizens from the sale of adulterated or impure food and food products, and laws to protect its citizens from fraud, and this effort to vest in the Federal Government supreme control of the citizen's business by passing this law simply destroys the power of the State, and it is but the concentration of all power in the General Government, and places in the hands of the Federal judiciary the punishment of the citizen for the violation of laws, which should be left to the courts of the State.

The State of Georgia has a number of laws upon her statute books in the interest of pure food and against the selling of falsely branded goods, adulterated goods, or impure food.

These laws can be found, commencing with section 456 of the Criminal Code of Georgia, of 1895, in article 16 down to and including section 486 of article 17.

It may not be amiss to call attention to some of these provisions in the Georgia Code.

Section 456 prohibits the sale, or offering for sale, of any unclean, impure, unwholesome, or adulterated milk.

Sections 457, 458, and 459 prohibit the sale of imitations of butter and cheese as butter and cheese.

Sections 459 to 465 prohibit the sale of any article designed to be used as a substitute for food products, except as they shall be marked and branded as such substitutes.

Sections 446 to 468 punish the sale of unwholesome provisions, unwholesome bread, drink, or pernicious and adulterated liquor.

And it is made the duty of the grand juries in the several counties to specially inquire into all the violations of these laws and make presentments against the violators of these laws.

The whole of article 17, containing section 470 and sections following to 484, inclusive, prohibits the sale of adulterated and impure drugs, and prescribes penalties for the violations of these provisions.

Upon an investigation of these laws of Georgia, as contained in these sections, it will be seen that the State of Georgia has made ample provision for the protection of its people from imposition and injury from the sale of impure food, adulterated food, food products, and adulterated drugs. The grand juries of the State courts in Georgia are intelligent and upright men, and can be depended upon to indict violators of the law; and the trial juries are intelligent and honest, and as efficient in the enforcement of the law as the juries in the Federal courts. So far as Georgia is concerned, there is no necessity for this bill.

But the Congress of the United States has already passed all the law on this subject that should be asked of the National Government, and under the provisions of that act it can be easily ascertained what food products offered on the market are pure or adulterated, which are wholesome and which are unwholesome.

In the appropriation bill for the Department of Agriculture passed during the last Congress ample and all necessary provision was made to enable the Secretary of Agriculture to investigate the character of food and other substances added to food, to determine their relation to digestion and health, and to establish a standard which should guide in their use. In other words, under the present law, without this bill, all necessary information can be obtained by the Secretary of Agriculture and by the officials of the Department of Agriculture, already appointed, so as to establish standards of purity for food products, to determine what are regarded as adulterations therein, and the results thus obtained by the Department of Agriculture can be used for the guidance of the officials of the various States and for the courts of justice.

Already the Department of Agriculture is armed with full power and authority to legally do everything that should be done in the matter, and this bill but duplicates that work, increases to a large extent the number of officials, many of whom are to swarm over the country for the purpose of prying into the business of the citizens, and obtaining, by spying upon his business dealings and meddling with his property, evidence upon which to base a prosecution in the Federal courts. Against such an unlawful and unnecessary annoyance of the citizens of the various States of the Union, and such vicious intermeddling with the private affairs of the citizen, I protest now, and, unless the bill is amended so as to meet my objection, I shall by my vote protest against it on its passage.

When these laws are violated the power of the State courts and the State authority is ample to enforce them, and they are as efficiently enforced by the State courts as they could be or would be under a law like this.

It is unnecessary for the Congress of the United States to pass any such law as this—drastic in its nature, and giving to and vesting the Federal authority with the power to invade the States and take charge of their police regulations, so far as food, food products, drugs, and the matters mentioned in this bill are concerned, and turning the administration of the law with reference thereto over to the Federal courts.

Section 7 of this bill permits the Secretary of Agriculture to set up and fix a standard for food products and to determine the wholesomeness or unwholesomeness of them by the standard he may thus fix, and in this way compel all dealers in the States who shall buy food products imported from other States to keep them up to the standard so established by the Secretary of Agriculture. Not only this, but he is authorized to fix such a standard as certain gentlemen calling themselves "The Association of Agricultural Chemists" and other experts may determine. Thus a large corps of unnecessary officials is created, whose principal duty will be to pry into the business of the citizens, interfere with their business, and make them comply with certain rules and regulations established by the Secretary of Agriculture at Washington, and if the citizen fails to comply with them, then to subject him to indictment, punishment, and penalty. Not only that, but he is compelled under sections 8 and 9 of this bill to furnish evidence that may be used and will be used in the courts to convict him.

I have stated that this law is unnecessary, that it is an invasion of the right of the States to exercise their police power in their own territory, even as against goods imported from other States and foreign countries, because under the Constitution of the United States, as interpreted by the Supreme Court, every State has the inherent power, in the exercise of its police authority, to enact laws for the preservation of the public health and safety, though it may interfere indirectly with interstate commerce, and that it may pass any law necessary or feasible to guard the health or morals of its citizens, although such laws may discourage importation or diminish the profits of the importer or lessen the revenues of the General Government. This principle of law is clearly recognized by Chief Justice Taney in the License Cases. (5 Howard, p. 504.) The right of the States to regulate by law the sale of products and goods in order to protect the public health and morals is fully recognized in other cases, some of which I cite: Bartemeyer *v.* Iowa, 18 Wallace, page 129; Beer Company *v.* Massachusetts, 97 United States, page 25; Powell *v.* Pennsylvania, 127 United States, 678.

In the case of Plumley *v.* Massachusetts. 155 United States, page 461, the State of Massachusetts prohibited the sale of oleomargarine, artificially colored so as to cause it to look like yellow butter, and so brought into the State. This was held not to be in conflict with the commerce clause of the Constitution.

Nor do I believe that it is necessary, in order to meet the suggestion made in the argument of those who favor the passage of this bill, for Congress to legislate upon this subject in order to meet the decisions of the Supreme Court on the subject of what is known as "original packages." The Supreme Court of the United States, in the case of Austin *v.* Tennessee (179 United States, p. 343), in my opinion, have rendered a decision which invests the legislatures of the States with power to pass, and the State courts to enforce, any law for the purpose of protecting the people in their health and morals in the importation of goods into such States.

In that case it was held that it was within the province of the State legislatures to declare how far cigarettes may be sold or to prohibit their sale entirely after they have been taken from original packages or after they have left the hands of the importer, provided no discrimination be used as against those imported from other States and there be no reason to doubt that the act in question is designed for the protection of the public health. It was further held that original packages are such as are used in bona fide transactions carried on between manufacturers and wholesale dealers residing in different States. In this case the Supreme Court held that the law of the State of Tennessee which declared that—

> It shall be a misdemeanor for any person, firm, or corporation to sell or offer for sale, or bring into the State for the purpose of selling, giving away, or otherwise disposing of any cigarette, cigarette paper, or other substitute for the same, and a violation of any provisions of the act shall be a misdemeanor—

was constitutional; and the court declared that—

> It is perfectly competent for any State to pass any law which would prohibit the sale, by retail or otherwise, of any impure food and to punish the sale thereof.

The moment the package is broken for the purpose of retailing to the consumer the law of the State would reach it and would be enforced.

The whole theory of this bill proceeds upon the idea that although the States have the power under the Constitution of the United States and under the decisions of the Supreme Court adjudicating and maintaining that power and authority of the States, yet that the State authorities either do not or will not

enforce the law. To such a proposition as this I am unwilling to give my consent. While I am in favor of prohibiting the sale of impure food or food products, I am not willing to look to the United States Congress and the United States courts as the only power and authority now left in this country that can or will protect the people from imposition and frauds. I repeat that, so far as my information goes, all the States enforce the laws on their statute books as efficiently as the Federal courts do. I know that the courts of the State of Georgia can be relied upon at all times to enforce the laws of that State efficiently and promptly.

In reference to sections 8 and 9, in my judgment these will be nugatory and can not be enforced, especially that portion of section 8 which provides that the manufacturer or dealer shall furnish to the Secretary of Agriculture a sample of his goods to be analyzed, and by section 9 it is provided that in case he fails to do so he shall be indicted and punished as for a crime. Taking the latter part of section 8 in connection with section 3, which provides that a duly authenticated copy of the result of the analysis shall be admitted into the courts as evidence against the manufacturer or vendor, it is plain to my mind that such provisions of the bill violate the fifth amendment to the Constitution of the United States, which provides as follows:

No person shall be compelled in any criminal case to be a witness against himself.

Referring briefly to the case of Austin *v.* Tennessee, in the one hundred and seventy-ninth volume of the decisions of the Supreme Court of the United States, I call the attention of the committee to the fact that it shows that there is now resting with the State legislatures the power to enact laws to punish for the offering for sale impure foods or goods injurious to the health, and that the power is not destroyed by the "commerce" clause of the Constitution. And the books are filled with decisions, where the decision of the State courts have been upheld, punishing the violations of State laws. Therefore I am not in haste to vote for a measure which has for its purpose the destroying of the power of the States to regulate their own affairs within their own borders, which has upon its face a proclamation made to the people of the United States that we ask for this law because the courts of the various States of the Union are inefficient in administering the law and therefore we ask to have the power of the Federal judiciary extended over these subjects.

Now, one more word in reference to the suggestion made by the gentleman from Missouri [Mr. CLARK] as to sections 8 and 9 of this bill. So far as I am concerned, I have no doubt whatever that the provisions of this bill which require the vendors of the other articles mentioned in the bill to deliver up—I do not care whether you pay for it or not—to deliver up to the agents of the United States or their officials samples of their wares that they may be examined; that they may be analyzed for the purpose of investigating, for the purpose of prosecution for the violation of the law. In my judgment, every such effort and every such case is in violation of the fifth amendment of the Constitution, which has been read by the gentleman from Missouri; and if gentlemen will examine the decisions of the Supreme Court of the United States upon this subject, they will find that not only has that court held that the verbal statements and responses made by parties and attempted to be used against them in criminal prosecution have been rejected, but physical facts, papers procured by force, have been placed on the same footing and rejected.

Mr. GAINES of Tennessee. Mr. Chairman, I want to ask the gentleman about a proposition of law.

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. BARTLETT. Certainly.

Mr. GAINES of Tennessee. Could you make a man give up a counterfeit bill which you suspected he had, or make him give up arms when the carrying of concealed weapons is prohibited?

Mr. BARTLETT. I will answer the gentleman——

Mr. GAINES of Tennessee. I know you can do it if it can be done.

Mr. BARTLETT. So far as the seizure of counterfeit coin, lottery tickets, or gambling implements is concerned, they may be seized, because it is unlawful for a person to have them in his possession; but you can not seize his private property or papers or compel him to deliver them up to be used as evidence against him. If a man has not committed any crime, or if it was to be done for the purpose of establishing a crime or of using against him in evidence in the prosecution of a crime, you take it from him against his will, you could not. If he was forced to give up evidence in his possession in order that you might prosecute him for a crime, you could not use it if the evidence thus elicited was intended to be used or offered in his trial.

Mr. GAINES of Tennessee. Now will the gentleman allow me one more question?

Mr. BARTLETT. I will.

Mr. GAINES of Tennessee. My proposition was, he was suspected of having concealed weapons, which were prohibited, and of having counterfeit money. Now, we can go and get that counterfeit bill and those weapons, but can not we use them afterwards as evidence against him, and are they not used as evidence against the accused?

Mr. BARTLETT. You can not if the concealed weapon was taken from him or furnished to you against his will and without his consent and he had committed no crime other than having the weapon concealed; you can not force him to give it up in order to prosecute him.

The courts say the search for and seizure of stolen or forfeited goods or goods liable to duties and concealed to avoid payment of duties, are totally different from search for and seizure of a man's private papers and books or his private property for the purpose of obtaining information and using it against him. They differ widely. In the one case the Government is entitled to the property; in the other it is not. Stolen goods may be seized because they are not the property of the thief. So as to counterfeit coin, it may be seized, because it is unlawful for anyone to have counterfeit coin in his possession and it can not lawfully be the private property of the citizen.

Mr. STANLEY. Mr. Chairman, will the gentleman consent to one question?

Mr. BARTLETT. Yes.

Mr. STANLEY. Does the gentleman mean to say that the statements of an accused can not be used against him?

Mr. BARTLETT. No; if the statements are freely and voluntarily made, I do not mean to say they can not be used, but I mean to say that statements not freely and voluntarily made can not be used in any court in any country where the law is properly administered, certainly not in our own. For the last two hundred years, even under the English law, confessions or statements not voluntarily and freely made can not be so used. So the fifth amendment of the Constitution provided that he shall not be compelled to furnish evidence against himself. Whenever he does it voluntarily, whenever he does so without objection, of course it can be so used, but whenever you, by threats or intimidation, or by force of law, or force of authority of an officer armed with the law, compel him to furnish evidence with which you afterwards propose to convict him of a crime, you can not do so without violating the Constitution of the United States—the fifth amendment, which has been referred to by the gentleman from Missouri [Mr. CLARK].

In the case of Boyd *v.* The United States (116 United States Reports, p. 616 et seq.) the Supreme Court of the United States rendered a decision which, in my judgment, fully sustains the objection to these two sections, 8 and 9 of this bill, that they are unconstitutional, because they in effect compel the dealer to furnish evidence against himself—evidence procured for the purpose of being used against him in a criminal prosecution for a violation of this so-called "pure-food" bill, and also to make it a crime for him to refuse to comply with the demand of the Government official that he furnish the evidence to convict himself.

In the case referred to the court decided that an act of Congress passed for the purpose of enforcing the customs-revenue laws which authorized a court of the United States to require the defendant or claimant of goods to produce in court his private books, invoices, papers, etc., to be used as evidence in the interest of the Government to be unconstitutional and void, as being repugnant to the fourth and fifth amendments to the Constitution; that a compulsory production of a party's private books and papers to be used against himself or his property in a criminal or penal proceeding or for a forfeiture is within the spirit and meaning of the amendments. The assertion has been made on the floor that the proceeding to forfeit the goods of the dealer, as provided in this bill, is not a criminal proceeding. The very contrary of this proposition is held in the case of Boyd, for the court says:

A proceeding to forfeit a person's goods for an offense against the law, though civil in form, and whether in rem or in personam, is a criminal case within the meaning of that part of the fifth amendment which declares that no person "shall be compelled in any criminal case to give evidence against himself."

The court further held that—

The seizure or compulsory production of a man's private papers to be used in evidence against him is equivalent to compelling him to be a witness against himself, and in a prosecution for a crime, penalty, or forfeiture, is equally within the prohibition of the fifth amendment.

Thus do these sections clearly violate the constitutional provisions made for the security of the person and property of the citizen, which should be liberally construed in the interest of the citizen, instead of being violated and attempted to be destroyed, as these sections do.

The practice of issuing writs of assistance to revenue officers, empowering them to search suspected places for smuggled goods in the American colonies obtained, and this practice of searching the premises of the citizens was pronounced by Mr. James Otis in 1761 to be "the worst instrument of arbitrary power, the most destructive of English liberty and the fundamental principles of

law that ever was found in an English law book," because "they placed the liberty of the citizen in the hands of every petty officer." And from such an arbitrary exercise of power as that, similar to the powers granted in the provisions of this bill, in part sprang the opposition to the oppression of Great Britain, and led to the Revolution, which finally resulted in the independence of the Colonies, and the adoption of these provisions in the Constitution of the new Republic.

However much I favor, as I do, the punishment of those who sell or manufacture for sale impure or adulterated food, I am unwilling to vote for a measure having these provisions so clearly violative of the rights of the citizen, the preservation of which should be dear to every lover of the fundamental law of his country. The manufacture and sale of impure food should be made a crime, but the law which is enacted to punish the crime should not at the same time destroy one of the dearest rights of the citizen. The persons who may be charged with violating this act, when it becomes a law, should at least be entitled to the same rights and privileges when tried as are granted to the murderer, the burglar, or the commonest felon.

I do not think there is any question that these two sections are violative of the Constitution. They not only provide that this evidence can be used against him, but they provide that there shall be an independent prosecution, an indictment based on the fact that the manufacturer or dealer has refused to furnish the evidence on which it is proposed to convict him. This bill not only violates the law by compelling the citizen to furnish evidence, but it violates the law in that it proposes to base on that evidence that is illegally and unconstitutionally obtained from him a prosecution which, resulting in his conviction, punishes him with imprisonment and fine. As far as this bill is concerned, with these obnoxious features in it—yes, as far as the bill is concerned as reported by the committee—I am opposed to it and shall give my vote against it on its passage. [Applause.]

Mr. ADAMSON. Mr. Chairman, I have no other request for time of which I am aware of. If any gentleman desires to combat the bill, I will yield to him. How much time have I remaining?

The CHAIRMAN. The gentleman has ten minutes. If the gentleman does not desire to take it, the Chair will recognize the gentleman from Illinois [Mr. MANN].

Mr. MANN. Do I understand, Mr. Chairman, the gentleman from Georgia waives the use of the balance of his time?

The CHAIRMAN. The Chair understood the gentleman from Georgia to state that there was no one on that side who requested more time.

Mr. ADAMSON. I was trying, Mr. Chairman, the best I could, to give away the time to somebody to combat the bill.

The CHAIRMAN. Very well; the gentleman from Georgia is recognized for ten minutes.

Mr. ADAMSON. Mr. Chairman, I have said about all I intended to say, and I should prefer to yield the time to other gentlemen, if any wish to speak. It appears to me that the gentlemen on the other side, being wrong, are in the condition of the man who left the path and floundered about, and the more he floundered about the worse he got into difficulty, and the harder he tried to rectify his error the more he was lost. Now, when you start out on an essentially wrong proposition it is hard to rectify it by talking about its details. The trouble with this bill is that it is essentially pernicious, because it seeks to do something that we ought not to do in its essence.

As a Member of the American Congress, not talking as a citizen of a jealous State, parading around with a chip on its shoulder, desiring somebody to knock it off with reference to State rights, but as a Member of the American Congress, jealous of its rights, and proud of the power, greatness, and glory of this great Republic, protesting against every little petty interest and claim rushing here to load down this Federal Government with matters of litigation and legislation with which it ought to have no concern, I protest against this bill. The States not only have rights, but they have responsibilities and duties. I would be ashamed to rise on the floor of this House and apologize for supporting this bill by saying, as distinguished Members have said here, that the States are incompetent to do their duty. If I lived in a State about which I entertained such a low opinion, I would register in another before night.

If States of this Union do their duty, there is no necessity for any of the provisions in this bill. If they do not do their duty, why is it? Is it because the walking delegates and the people who manufacture sentiment and enthusiasm on these questions came to see us here instead of going to the legislatures of these States? Is that the reason? Why not use their energy and persuasive powers to incline the legislatures in those States to do their duty? I desire for one, Mr. Chairman, to proclaim that the food in my State is as pure as the Federal Administration there and is not likely, under existing conditions, to be improved by Federal espionage. [Applause.] The administration of justice by State authority there is as pure and efficient as the like service under Federal jurisdiction. [Applause.]

Right here I desire to call attention to a fundamental mistake that my distinguished and able friends make. You can not cure a defect in a locality nor change the character of the people who have the administration of the law, whether it be by State or Federal courts. You can not convict a man in the Federal or State court without alleging and proving the venue. You must secure your juries from the same vicinity in both courts. The judges reside in the same vicinity, either natural born or by adopted residence.

I can not see, then, with these facts remembered, why gentlemen, without shame, can arise here and say that the States can not do the work as well as the Federal courts. For one, I say that my State is willing and able and is already doing its duty. If there are other States which are shirking their duties, I demand, as a Member of the Federal Congress, that these States do their duty and relieve us of the labor, responsibility, and expense. [Applause.]

Mr. STEPHENS of Texas. Will the gentleman allow me a question?

Mr. ADAMSON. Certainly.

Mr. STEPHENS of Texas. I desire to ask the gentleman if, in his examination of this bill, he has not ascertained the fact that a man may be punished without any guilty knowledge, and that the word "willful" does not appear in it. Under this bill a man may ship into a State a bill of goods and not know that an article contains deleterious substances, and place it in the hands of a small retailer, and that retailer may retail it to customers and not know that it is deleterious; but under this bill he may be punished, and from beginning to end of the bill there is no protection along this line for the retail dealer. Without the word "willful" or "knowingly" being inserted in the penal clause of this bill it would be a very dangerous bill, because any man who might sell adulterated goods without knowing them to be adulterated could or might be brought before a Federal grand jury and indicted and punished under the provisions of this bill.

Mr. ADAMSON. That is a good speech, and I am glad the gentleman made it. I am sorry he did not take more time and make a longer one of the same quality. There is so little in this bill that is good and necessary that it would not take a minute to discuss it, while there is so much of it that is bad and pernicious and unnecessary it would take me a year to get out of the mazes and intricacies of error and fallacy presented by the details, and I have wasted no time with them. I meet the measure at the threshold and propose that we totally destroy it in limine, because in toto it is bad, and only bad—beyond remedy or redemption.

Mr. STEPHENS of Texas. Mr. Chairman, I will state that at first thought I was going to vote for this bill, but during the brief time for discussion I have been investigating it and studying it, and I feel that this point and others mentioned by the gentleman should prevent anyone after examining it, in my judgment, from voting for it.

Mr. ADAMSON. I congratulate my friend on his saving conversion and commend all my other friends and brethren who have not studied the question to imitate his example. "While the lamp holds out to burn, the vilest sinner may return."

Mr. MANN. Mr. Chairman, one of the objects of this bill is to prevent the misbranding of articles of food. The bill itself is not misbranded. It is known as the Hepburn pure-food bill, and I yield the balance of my time to the distinguished gentleman from Iowa [Mr. HEPBURN], chairman of the Committee on Interstate and Foreign Commerce.

Mr. DOUGLAS. Mr. Chairman, before the gentleman yields, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. I can not yield at this time.

Mr. HEPBURN. Mr. Chairman, I do not believe that there is any deep-seated or widespread sentiment or opposition against the general purposes of this bill in this House. Nearly everyone who has spoken upon the subject has indicated that there was a necessity for legislation of the character desired and that he favored some form of legislation. Some gentlemen object to the bill because the Federal Government essays to bring about a remedy. They think that the power in this behalf is lodged only in the hands of the States. Some gentlemen think that this bill is a little too drastic in some of its parts. Some think that its methods are not happily selected. Mr. Chairman, I have had to do with this subject in committee and in this House now for more than eight years. It is a subject difficult indeed to deal with. There are so many interests and so many varied methods that it is impossible to find any common ground on which even a committee can unite.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Mississippi?

Mr. HEPBURN. Yes.

Mr. WILLIAMS of Mississippi. Before the gentleman gets into the full thread of his argument, I want to get some explanations from him. I find here that in section 8 you say that the people are required to give a sample to the agent of the Secretary of Agriculture in order to be analyzed, and then in section 9 I find that when they refuse to do that they are subject to certain penalties. Now, of course it goes without saying that if a man refuses without knowing that it is an agent of the Secretary of Agriculture he is guiltless upon prosecution.

That being the case, does the gentleman not think that that provision about which so much has been said will absolutely defeat the enforcement of his bill if he lets it stay in there; and for this reason, if a man goes to a guilty party and says to him, "I want a sample of your California wine or whatever it is branded, or your maple sirup, for the purpose of being analyzed by the Secretary of the Agriculture," then the man to whom the application is made, unless he is a fool, will give him the pure wine and the pure maple sirup, and nothing will be found against him. Now, in the enforcement of the oleomargarine bill it was found important that the dealer should not know that the person making the purchase was an agent of the Government. Does the gentleman not think that leaving this which has been so much objected to in the bill will defeat the operation of the bill to a large extent?

Mr. HEPBURN. That is one of the chances that we have to take in this kind of legislation. It might be that some other form would be necessary.

Mr. WILLIAMS of Mississippi. Does the gentleman not think that it would be better to leave it out and let them purchase it in the open market? They can send agents to purchase it, just as they did when they sent agents to purchase butter which was really oleomargarine.

Mr. HEPBURN. Mr. Chairman, that provision in this bill was placed there by a congress composed of agents or representatives of different bodies throughout the United States that were addressing themselves to this very subject, the subject of pure food. It was one of their provisions, and the committee have adopted it because, largely, it was the recommendation of a large number of men who had studied this matter and on three or four occasions had assembled in this city, constituting congresses devoting themselves to this very subject.

Mr. ADAMS of Wisconsin. Mr. Chairman, I wish to say to the gentleman from Mississippi [Mr. WILLIAMS] that this provision is contained in nearly every State oleomargarine law in the Union; that in those States those cases have been bitterly contested, and the contention made by the gentleman from Missouri [Mr. CLARK], so far as I know, as to the constitutionality of a provision of that kind has not been determined against the provisions of this act; and, further, that in my own State we have exactly the same provision, not only in the oleomargarine law, but in the pure-food laws of the different States, and never has that provision been successfully attacked, to the best of my knowledge.

Mr. WILLIAMS of Mississippi. The gentleman is attacking a windmill. I have not said the bill is unconstitutional.

Mr. ADAMS of Wisconsin. I was not directing that remark to the gentleman from Mississippi.

Mr. HEPBURN. I do not assume that this bill is perfect. I fancy that there are many defects in it. But it is the very best that under the circumstances your committee could secure. It is the best that up to this time I have ever seen. I have no doubt that many amendments will be made to it. I have no doubt that experience in attempting to enforce it will force changes upon the attention of Congress.

Perhaps the very difficulty that the gentleman has suggested may arise. But, I repeat, this is the very best bill we can get upon this subject, a subject upon which legislation is universally demanded. Nearly every State in this Union has attempted to control this subject of impure food. The evil is one that is universally recognized. The gentleman from Georgia is the only man I have seen who understands the subject that is entirely content with the purity of the food that is offered to him. Everywhere we hear complaints on this subject. We had before us scores of witnesses—men who are familiar with the production of food—and yet we were told that almost every article that you may buy to-day in the corner grocery—nearly all the canned goods, all prepared goods, nearly all coffees, nearly all sirups—that articles of this kind are almost universally "doctored," in order possibly that they may be made more palatable, possibly that they may be better preserved, or possibly that they may be made more cheaply.

There is a necessity, in my judgment, for legislation such as that here proposed. This is evidenced by the efforts of the States in this direction. Almost every State in this Union and every Territory has legislation of this character. This bill is not complete. It can not from the very nature of the case be complete, because there is a large part of the commerce of the United States that the State laws can not reach. They can not reach foreign commerce; they can not reach interstate commerce. This form of commerce must cease to be foreign, must cease to be interstate, before the law of the States can be made applicable and remedial.

Mr. THAYER. Will the gentleman allow me a moment?

Mr. HEPBURN. Yes, sir.

Mr. THAYER. I am in favor of the general provisions of this bill, but I want to submit to the gentleman the question whether we are not flying in the face of all legislation directed to the protection of the people and the punishment of crime when we here fail to require, as the gentleman from Texas has suggested, that in order to secure conviction under the law willful intent shall be proved. It seems to me that if we stop the manufacture of these unwholesome products we shall have gone far toward meeting the evil that we are undertaking to deal with.

Mr. HEPBURN. I have yielded only for a question.

Mr. THAYER. What I wanted to ask was whether the committee would not be willing that there should be inserted in the bill by way of amendment a provision that the person, in order to be convicted, shall be willfully and knowingly guilty of the offenses which the bill undertakes to deal with.

Mr. HEPBURN. We provide in this bill for the safety of the seller. No man who under the terms of this bill provides himself with the guaranty of the vendor that the article in question is pure, provided the vendor be a citizen of the United States and his residence is given, he being the manufacturer, will be subject to punishment under the law. So that no man engaging in the sale of these goods need expose himself to punishment.

Mr. THAYER. Would it not be unreasonable to require that every man who engages in the sale of these articles which may be deleterious shall procure such a guaranty?

Mr. HEPBURN. Well, it may be; but the gentleman knows that there is nothing more difficult in a criminal prosecution than to show intent. It is very much better that the other party have some portion of the burden of proof upon him, and that he, being familiar with all the facts that will exculpate him, be required to prove those facts before the court.

Mr. SHAFROTH. Does not the bill also provide that for the first offense under this bill the punishment shall be light, there being in that case no imprisonment? Only in case of a repetition of the offense is there such punishment.

Mr. THAYER. If a person should buy a case of extract of malt and it be found adulterated, he not knowing that fact, would it not be unduly severe to impose upon him a penalty of $200?

Mr. SHAFROTH. He ought to know what he does.

Mr. MANN. Is it not a fact, also, that the retail dealer in no case needs to suffer under the provisions of this bill, because he is permitted in every case to protect himself under the guaranty of the party from whom he purchases as to the purity of the article?

Mr. HEPBURN. Mr. Chairman, objection has been made to sections 8 and 9 of this bill. I do not think that those objections are well taken. I do not think that gentlemen on the other side of this proposition recognize the fact that there are two transactions that may occur under the bill. One is the attempt to prosecute simply of itself, and it is in that case that the cooperation and aid of the seller is required; and it is in that prosecution that the law proposes to punish him in case he fails to aid the legal authorities.

The other transaction is when he may be indicted as a criminal under the provisions of this law; and in that event I undertake to say that the courts will not permit any evidence that he may furnish to be used against him. The constitutional prohibition is intended to be operative in this second transaction and has no relation whatever, in my judgment, to the first transaction.

Some gentleman has said that legislation of this character, in his judgment, is simply humbug. The great mass of the people of the United States as represented by men in the State legislatures evidently do not coincide with that opinion. I have called attention to the universality in nearly all the States of legislation, all the legislation that the States can indulge in, but they are incapable of that complete legislation that gives complete remedy and safety.

There is another reason why this bill should pass. It is true that the results that I hope for may not be secured, but it is most desirable that there should be uniformity in the legislation. I agree that there must be legislation on the part of the States. I assert that there must be legislation on the part of the Federal Government also. The two supplement one another and they ought to be uniform. The laws of the States ought to be modeled upon the laws of the Federal Government. To-day they are as varied as the States. My information is there are something like

forty-three distinct and differing statutes upon this subject. One State requires one form of label; one State requires one method of packing the goods; another State gives one definition as to what shall constitute adulteration; what is an imitation; what is fraud in goods offered for sale. The States vary. A man having a large business in many States has to prepare his products for sale in each of the States.

A gentleman was telling me yesterday of being in one of the large wholesale houses in the city of Chicago. Here he found a huge bin with the label over it, "These goods may be sold to Iowa;" another, "These goods may be sold to Wisconsin;" another, "These goods may be sold to Minnesota;" another, "These may be sold to Illinois." They have to familiarize themselves with the legislation of each of the States. They have to adapt their business methods to this legislation. It results in constant harassment, and there have been no persons who have been more insistent before our committee that we should come to their relief, in the hope of securing uniformity, than these very men against whom this statute would seem to be leveled.

The CHAIRMAN. The time of the gentleman has expired. Time for general debate has expired.

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent that that portion of the bill stricken out by the committee be omitted in the reading and that only that part that the committee proposes to enact shall be read.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that that part of the bill stricken out by the committee be omitted in the reading.

Mr. HEPBURN. And I further ask that the portion read be read by paragraphs. I suppose under the rule that this is one amendment and that it should all be read, but for convenience I ask unanimous consent that it be read by paragraphs for amendment.

Mr. ADAMSON. Mr. Chairman, at the proper stage I wish to move to strike out the enacting clause.

The CHAIRMAN. The Chair will first put the request for unanimous consent. The gentleman from Iowa asks unanimous consent that the reading of that portion of the bill stricken out by the committee be omitted and that that part submitted by the committee as an amendment in the nature of a substitute be read by paragraphs—or by sections?

Mr. HEPBURN. By sections.

The CHAIRMAN. By sections. This arrangement will not interfere with the rights of the gentleman from Georgia to offer a motion to strike out the enacting clause. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. ADAMSON. Now, is it proper to make the motion to strike out the enacting clause?

The CHAIRMAN. The motion of the gentleman from Georgia will not be in order until after the first section has been read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

The CHAIRMAN. The Chair understands that the gentleman from Georgia wishes to offer his motion now.

Mr. ADAMSON. Yes, sir. I wish to move to strike out the enacting clause.

The CHAIRMAN. Does the gentleman wish to be heard on that?

Mr. ADAMSON. No, sir.

The CHAIRMAN. Does anybody wish to be heard in opposition to the motion to strike out the enacting clause?

Mr. HEPBURN. Vote!

The CHAIRMAN. The question is on the motion of the gentleman from Georgia to strike out the enacting clause.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ADAMSON. Division.

The committee divided; and there were—ayes 50, noes 128.

So the motion to strike out the enacting clause was rejected.

The Clerk read as follows:

That for the purpose of protecting the commerce in food products and drugs between the several States and in the District of Columbia and the Territories of the United States and with foreign countries the Secretary of Agriculture shall organize the Bureau of Chemistry of the Department of Agriculture into a Bureau of Chemistry and Foods, which shall have the direction of the chemical work of the present Bureau of Chemistry and of the chemical work of the other Executive Departments whose respective heads may apply to the Secretary of Agriculture for such collaboration, and which shall also be charged with the inspection of food and drug products, as hereinafter provided in this act. The Secretary of Agriculture shall make necessary rules and regulations for carrying out the provisions of this act, under which the Director of the Bureau of Chemistry and Foods shall procure from time to time, or cause to be procured, and analyze, or cause to be analyzed or examined, chemically, microscopically, or otherwise, samples of foods and drugs offered for sale in original unbroken packages in the District of Columbia, in any Territory, or in any State other than that in which they shall have been respectively manufactured or produced, or from a foreign country, or intended for export to a foreign country. The Secretary of Agriculture is hereby authorized to employ such chemists, inspectors, clerks, laborers, and other employees as may be necessary to carry out the provisions of this act and to make such publication of the results of the examinations and analyses as he deem proper.

Mr. SHERLEY. Mr. Chairman, I move to amend the first section by striking out, on page 11, in line 18, the words "between the several States and;" and on page 12, in line 10, "or in any State other than that in which they shall have been respectively manufactured or produced;" and adding after the word "or," "when imported from a foreign country;" and after the word "or," at the end of line 12, "when intended for export to a foreign country."

Mr. Chairman, the purpose of these amendments is——

Mr. MANN. Mr. Chairman, I would like to have the amendments reported.

The CHAIRMAN. The gentleman from Kentucky offers the amendments, which the Clerk will report.

The Clerk read as follows:

On page 11, in line 18, after the word "drugs," strike out the words "between the several States and."

On page 12, in line 10, after the word "Territory," strike out "or in any State other than that in which they shall have been respectively manufactured or produced."

In line 12, after the word "or," insert "when imported from a foreign country;" and after the words "country, or," insert "when intended for export to a foreign country."

Mr. SHERLEY. Mr. Chairman, I desire to say that the effect of those amendments (of course if they should prevail it would require certain other amendments in other sections) would be to limit this act to the Territories and limit it to foreign commerce and would remove any effect in regard to interstate commerce. As the gentleman from Iowa has well stated, the States now have absolute control over commerce which comes into the State, and it seems to me, as I stated earlier, dangerous and unnecessary to have this bill now affect interstate commerce, believing that it was intended that Congress should make commerce free and not make it restrictive.

Mr. MANN. Mr. Chairman, the amendments proposed by the gentleman from Kentucky, if adopted, would make this bill only apply to the District of Columbia and the Territories, and the very purpose of the bill is to make it apply to interstate commerce; and it is not the design of the bill to say what the Territories may do within their own Territorial districts or to say just how the pure-food regulations shall be enforced in the District of Columbia, and I hope the amendments will not prevail.

The CHAIRMAN. The question is upon the amendments offered by the gentleman from Kentucky.

The amendments were rejected.

The Clerk read as follows:

SEC. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, or who, having received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States such adulterated, mixed, misbranded, or imitated foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding $200 for the first offense and for each subsequent offense not exceeding $300 or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided, nevertheless*, That no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of all the other provisions of this act.

Mr. DOUGLAS. Mr. Chairman, I would like to ask the committee having charge of the bill if they will not agree to strike out all of line 20 on page 13, all of line 21, all of line 22, all of line 23, and the first three words in line 24?

I wish to say, in connection with this point, that during the discussion of the bill nothing has been said by any Member of the House, if my recollection serves me, in regard to the export trade. I endeavored to have the gentleman in charge of the bill make some explanation, but was not able to secure his attention.

I am fully in accord with the necessity and proper desire to protect the people of this country against foreign goods coming to our market that are deleterious and inferior in quality and therefore injurious to the people of the United States, but when we take up the question of export business we all know it is necessary to pack and put up goods in a different way from what we

do for the home market. It is also well known that most countries are very liberal in their laws in connection with foreign trade, and while it is just possible that we should look after and care for the health of people who are aliens as well as the people of our own country, it is not generally done. It therefore seems to me that we can easily strike out these words without doing any injury or harm to this bill so far as relates to its other provisions.

Mr. HEPBURN. Mr. Chairman, if the gentleman will permit me, I can explain to him why that provision is in the bill. A delegation of packers from Chicago came before the committee and asked that that provision be put in the bill, and they exhibited to us a large number of orders from foreign countries. They say that where pork is put up with boracic acid, according to the orders of the English purchaser, for example, it can be sold.

It is more marketable than it is when put up solely with salt. The gentleman will see that the provision is simply in accordance with the idea of complying with the request of the purchaser when there is no prohibition on the part of the government to which it is to be exported. We did that simply at the instance of these gentlemen. They explained to us that, for example, pork treated simply with salt would have a slimy and greasy appearance that it did not have when treated in the other way. Therefore it was necessary to do it to sell it in the English market, and they exhibited to us a large number of foreign orders describing the manner in which it should be put up.

Mr. DOUGLAS. Mr. Chairman, I agree in perfect good faith with the explanation of the gentleman from Iowa, but that does not lessen my objection, and there is no reason why these foreign orders should not be packed according to the requirement and desires of the foreign customers if the clauses named are omitted from the bill. I still adhere to the fact that the words mentioned are likely to prove a detriment to our export commerce. I can at present send an order to the pork packers to have them put up my pork in any way which may be best for my market, if I am a foreigner. I think this clause, however, goes further. It says that—

when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped.

I do not consider it necessary for us to go into the laws of foreign countries or endeavor to aid in their enforcement. They can protect themselves. It is well known that certain export countries purposely make their laws so lax that they can send goods abroad which under no circumstances would they allow to be sold in their own country. It is also known that a certain brand of Florida water is largely drank by the natives of foreign countries. I question the taste of these gentlemen, but at the same time it is not our fault if the men drinking it do not use it for the purpose for which it was packed. Many other similar instances can be given.

I appeal to the gentleman from Iowa, and believe if he will carefully read these lines, 20, 21, 23, and 24, he will see that no injury will result to his bill if they are stricken out, and so doing may prevent harm to our commerce, which he has so often eloquently and earnestly advocated and upheld on the floor of this House.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 13, beginning at line 20, strike out all of lines 20, 21, 22, 23, and the words "to be shipped" in line 24.

Mr. MANN. Mr. Chairman, all of that section on page 13 beginning with the words "*Provided nevertheless*," line 17, to the bottom of the page, was an amendment which was urged before the committee by the export trade of the country as one entire amendment, and now the gentleman moves to strike out a part, whereas the export trade is perfectly satisfied with the provision as it stands.

Mr. DOUGLAS. Mr. Chairman, I pretend to know as much about the export trade of this country as does the gentleman from Illinois, and while I do not question his statement or the question of fact, I do not believe that the export trade of the country want that clause in the bill at all.

Mr. MANN. Mr. Chairman, I do not claim to have any personal knowledge of the export trade of the country, such as the gentleman from New York undoubtedly has. The statement I made, and I repeat it, is that the amendment was prepared by the people engaged in the export trade and submitted to the committee upon their statement that that would absolutely protect the export trade of the country from any injurious effect. Under this provision people engaged in the export trade can pack and ship goods to Great Britain, which has one standard, and yet comply with the provisions of this act, and the people with orders from purchasers in Germany may ship the same goods differently packed to comply in each case with the orders of the purchaser, and I understand they are satisfied with this provision of the bill.

Mr. TAWNEY. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. MANN. With pleasure.

Mr. TAWNEY. Does the gentleman not think that the words in line 21, beginning with the words "when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped," that when goods are shipped to a foreign country that may not be entirely friendly to American goods, they might impose such restrictions or laws as would practically exclude American products?

Mr. MANN. I say to the gentleman, in reply to the suggestion, that if any person manufacturing goods wishes to comply with the general provisions of the act, then this particular provision or exception does not apply to him. But if he wishes to ship goods which do not come up to the standard of this act, he can do so if the foreign purchaser so requests him; and so we are willing to exempt them from the general provisions of the act and throw the door open, but we do not want to throw it wide open unless they comply with some law.

Mr. TAWNEY. The gentleman does not catch my point. I concede that the provision in respect to packing, according to the specifications of the foreign purchaser, may be all right; but when you go further and provide that when no substance is used in the preparation and packing thereof in conflict with the laws of a foreign country to which said article is intended to be shipped, that country could very easily under its law make restrictions that would make it impossible for an American importer to send his goods there.

Mr. MANN. Mr. Chairman, the gentleman is mistaken, because this provision does not require all goods exported to come within this provision of the act. This is an exception made for the benefit of those who do not wish to pack goods in conformity with the rest of the provisions of the act. In other words, in Germany they do not permit dressed meat to be imported which is dressed with boric acid. In England the purchasers demand that the dressed meat shall be dressed with borax. Now, under this provision of the act, the English law recognizing that borax is not an injury to the goods and the German law recognizing that borax is an injury to the goods, the seller can sell goods to England packed with borax and can sell goods to Germany that are not packed with borax.

Mr. GAINES of Tennessee. What is our law on the subject of borax respecting goods for domestic purposes?

Mr. MANN. We have not fixed a standard on the subject.

Mr. GAINES of Tennessee. Didn't we legislate on that at the last session in some way?

[Here the hammer fell.]

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. A motion to strike out the last word is not in order.

Mr. GAINES of Tennessee. Then I move to amend the amendment by striking out the entire proviso from the word "*Provided*" down.

The CHAIRMAN. Does the gentleman offer that as an amendment to the amendment?

Mr. GAINES of Tennessee. I do.

The CHAIRMAN. The Chair will state that inasmuch as the bill is being considered as an amendment consequently the amendment offered by the gentleman is in the nature of an amendment in the third degree and is not in order.

Mr. GAINES of Tennessee. Can I move to strike out the whole section?

The CHAIRMAN. After this amendment has been acted upon the gentleman can offer another. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. GAINES of Tennessee and Mr. STEPHENS of Texas rose.

The CHAIRMAN. The gentleman from Texas has an amendment which he wishes to offer.

Mr. GAINES of Tennessee. Mr. Chairman, the Chairman stated that the Chair would recognize me to make this motion when I had the floor a moment ago.

The CHAIRMAN. The Chair stated that he would recognize the gentleman from Tennessee to offer an amendment.

Mr. GAINES of Tennessee. I understood the Chair to state that he would recognize me to make a motion which I rose to make before.

The CHAIRMAN. The Chair will state that the Chair will recognize the gentleman from Tennessee before the proposition is left.

Mr. GAINES of Tennessee. But the Chair stated that he would recognize me to make that motion, and I rose to make it.

The CHAIRMAN. The Chair will recognize the gentleman before the paragraph is left, but the gentleman from Texas has been struggling for some time to be recognized.

Mr. GAINES of Tennessee. Inasmuch as everybody is struggling here to be recognized, and particularly on this side, I yield; but anybody in order to get justice in this House has to struggle, and particularly gentlemen from Texas and from our country.

The CHAIRMAN. The gentleman from Tennessee is out of order and will be seated.

Mr. GAINES of Tennessee. I would just as soon be out of order as in order when I know I am right.

Mr. DOUGLAS. Mr. Chairman, I demand a division on that amendment.

The CHAIRMAN. The gentleman from New York demands a division on the amendment offered by himself.

Mr. CLARK. What is the amendment?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The question was again taken on the division demanded by Mr. DOUGLAS; and there were—ayes 30, noes 78.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will read.

The Clerk read as follows:

Amend by adding, after the end of line 24 on page 12, and at the end of lines 2 and 5 on page 13, and after the word "shall," in line 9 on page 13, the word "willfully;" so as to read: "and any person who shall willfully ship or deliver," "or who shall willfully receive," "shall willfully deliver."

The CHAIRMAN. The question is on the amendment.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to call the attention of the House to the fact that this bill, if not amended, would change the entire intention and trend of the criminal laws of the United States and of every State, so far as I know. The design of criminal law is to punish a man only where he has a criminal intent. In this bill Congress is proposing to pass a law that will punish a man who may have no criminal intent, and unless this word "willfully" or "knowingly" is inserted in this bill, as proposed by my amendment, that will be the effect of it. I desire further to state, in answer to the gentleman from Iowa [Mr. HEPBURN], that the provisions of the bill he refers to do not apply to retail dealers who purchase their goods in foreign markets, for the foreign merchant can not give the guaranty.

I call attention—his attention—to the language of the bill on page 17, beginning at line 22:

Provided further, That no dealer shall be convicted under the provisions of this act when he is able to prove a written guaranty of purity, in a form approved by the Secretary of Agriculture as published in his rules and regulations, signed by the manufacturer or the party or parties from whom he purchased said articles: *Provided also*—

Now, here is the provision to which I desire the particular attention of the House and of the gentleman from Iowa—

Provided also, That said guarantor or guarantors reside within the jurisdiction of the United States.

Now, it is apparent that if the retail dealers purchase such goods from some man in Canada or Mexico or anywhere else outside the United States that can give him no guaranty, he can be punished, although he may have no knowledge that the material he sells contained any deleterious substance such as this bill undertakes to deal with. If the article is manufactured inside of the United States, then the guaranty provision that the gentleman from Iowa alludes to does apply; but the provision precluding foreigners from making the guaranty would, I apprehend, be legislation in favor of men, perchance of trusts, who manufacture articles inside of the United States, and would practically prohibit our merchants from dealing in any such articles manufactured outside of the United States, because the protection given by the guaranty would be impracticable and impossible.

If a grocer should buy articles from a wholesale dealer or a manufacturer in a foreign country, and those articles should be shipped to him from abroad, he could not in that event get the guaranty contemplated by the proviso I have just read; and in that case he could be made criminally liable under this bill, if enacted into law, if he inadvertently sold deleterious goods. For this reason I think the amendment I have proposed should be adopted, and in my judgment its language should be even stronger than I have made it.

Mr. THAYER. I suggest to the gentleman from Texas whether we could not get this provision into a somewhat more euphonious shape, and arrive at the same end that he is seeking, by inserting after "country," line 12, page 13, the words "knowing or having reasonable cause to believe the same to be adulterated, mixed, misbranded, or imitated foods or drugs."

The CHAIRMAN. The Chair understands that the gentleman [Mr. THAYER] proposes a modification of the amendment of the gentleman from Texas [Mr. STEPHENS].

Mr. THAYER. As I understand, the gentleman from Texas is willing to accept the modification.

Mr. STEPHENS of Texas. I am.

Mr. HEPBURN. I desire that the proposed amendment be reported.

The Clerk read as follows:

After "country," in line 12, page 13, insert:
"Knowing, or having reasonable cause to believe, the same to be adulterated, mixed, misbranded, or imitated foods or drugs."

Mr. MANN. Mr. Chairman, of course the ultimate purpose of an amendment of this sort is to affect the practical operation or working of the proposed law. I take it that no one here desires to impose any extra burden or hardship upon the retail dealer. I can say to this committee that without question the retail dealer is by the terms of this bill absolutely protected. The idea is that the Secretary of Agriculture shall make regulations, as authorized by the bill, so that upon every article of food or drugs in any package there shall appear the guaranty of the manufacturer or the wholesale dealer. That is the protection to the retail dealer.

The gentleman from Texas calls attention to the fact that this guaranty must be made by some one residing within the jurisdiction of the United States. Mr. Chairman, I venture to assert that no retail dealer in this country buys goods from a foreign manufacturer except through a factor or a wholesale dealer located in this country. If the retail dealer should buy goods from a Canadian manufacturer, he would not be protected under the terms of this bill. But no retail dealer does that. We are talking about the practical operation of the bill; and as a matter of fact, under its practical operation no retail dealer will be exposed to unnecessary prosecution, or to any prosecution, if he follows the intention of the act and makes any effort at all to sell fair goods and to secure the guaranty contemplated by the bill. To say that the retail dealer, before conviction, must be shown to have had knowledge that he was selling something deleterious is practically equivalent to the motion made a while ago to strike out the enacting clause. [Cries of "Vote!" "Vote!"]

Mr. THAYER. Mr. Chairman, I am as much in favor of the general provisions of this bill as any man in this House.

The CHAIRMAN. The Chair must say to the gentleman that a vote having been called for, and there having been five minutes' debate on each side of the pending question, the debate can not proceed further except by unanimous consent.

Mr. THAYER. Well, I ask unanimous consent for five minutes.

The CHAIRMAN. Is there objection to allowing the gentleman from Massachusetts [Mr. THAYER] to proceed for five minutes?

There was no objection.

Mr. THAYER. Mr. Chairman, as I have just remarked, I am in favor of the general purpose of this bill, but some of its provisions are ill considered and faulty. My purpose is to protect the consumer against being obliged to use adulterated food. I undertake to say that whenever we can stop the manufacturer and producer of these products from putting them on the market we have done away with nine-tenths of the frauds that the people are now suffering from by being obliged to use this class of adulterated goods.

If we say to those to whom we delegate authority, "You can go to the great manufacturing centers, or send your authorized agents there, for the purpose of investigating the methods of the manufacturers in doing business and what ingredients they are using, and thus gather evidence against the parties we seek to prohibit from placing adulterated food on the market and against the manufacturers," they will have every reason to know, or good reason to believe, at least, that they are producing adulterated food. They will have been deceived by no one. They will simply have been taking their chances; but to carry out this thing practically and secure convictions of the retail dealers will be quite impossible. I do not believe that the country grocer should be compelled to know whether every article in his store is adulterated. Neither do I think he should be required to have a written statement of the drummer or agent who sells to him whether there is sand in the sugar, or bark in the cinnamon, or things of that kind. He buys in the open, reputable market, and assumes, and has a right to assume, that he gets pure food or drugs. I believe a great measure of the evil will be done away with by preventing the original producer from putting upon the market deleterious products, and it seems to me that it can then be easily carried out by having only a limited number of places for the officers of the law to investigate. We can go to the great centers and stop them from manufacturing and selling to the retailer anything but a pure product, and that will, in a great measure, protect the people. I believe it will sufficiently protect the public—at least for a starter in this attack on adulterated food.

Mr. HEPBURN. Will the gentleman allow me to ask him a question?

Mr. THAYER. Certainly.

Mr. HEPBURN. In this era of good feeling, this consideration for the criminal, does the gentleman not think it would be well to insert a provision in this bill which provides a penalty that he may be fined $100 or condemned to imprisonment, provided he consents thereto? [Laughter.]

Mr. THAYER. In answer to that I will say that I am not standing here to defend the criminal, but I am attempting to prevent the enactment of a law which makes a whole class of men, as honest and law-abiding as the gentleman from Iowa and myself, criminals without a particle of evidence having been produced against them of any illegal or criminal act and compelling them to prove their innocence in advance of any evidence having been advanced that they are willfully violating any law. What I am speaking against is making the retailer in a corner store out in the country guarantee that everything in his store is absolutely pure, and I am against this portion of the bill which compels him to prove his innocence before anybody has fairly charged him as being guilty or introduced any evidence of his guilt.

It would be comparatively very easy to seek out these manufacturers and prevent them from making these adulterated products and foisting them upon the public through innocent middlemen—the retail grocers—and the producers should be the ones to apply the law to, and it should not apply so rigidly to the innocent and honest peddlers and grocers, and we should not attempt to convict them until it appears that they are knowingly in collusion with the wholesalers and producers in perpetuating this fraud on the public. Neither should we legislate in the face of the well-established principles of criminal law universally recognized. I hope the amendment will prevail.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. STEPHENS of Texas. I ask for a division.

The committee divided; and there were—ayes 89, noes 80.

Mr. HEPBURN. I ask for tellers.

Tellers were ordered.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from Texas, Mr. STEPHENS, and the gentleman from Illinois, Mr. MANN.

The committee again divided; and the tellers reported—ayes 106, noes 100.

So the amendment was agreed to. [Applause.]

Mr. GAINES of Tennessee. Mr. Chairman, on page 13, after the word "*Provided*," in line 17, I move to strike out the proviso.

Mr. HEPBURN. I move that the committee do now rise.

The CHAIRMAN. The gentleman from Tennessee has been recognized.

Mr. GAINES of Tennessee. I just want to state what my objection to this proviso is, and I believe that my distinguished friend from Iowa will agree with what I say. I want to say that I am in favor of pure food and clean money, but I want the law enacted within the limitations of our granted or necessarily implied powers. If that is done, I am not opposed to this bill. It would then properly aid the States. I hope we can make this bill a little bit better than I think it is.

The matter that I wanted to insist on a few minutes ago covered the very motion that I now make, and for this reason: Here we are, the greatest lawmaking power in the world, attempting to embody provisions in this bill to condemn articles as unfit for our use which we make. Under this proviso we permit impure food, which we condemn, to go to foreign consumers, with whom we should remain in peace and cultivate an honest friendship and an upright standard of commerce.

Mr. Chairman, I know that a great many foreigners think that we unload the unclean American product on them and keep the clean or superior products here at home unlike the samples they sell by. I have been told this by foreign drummers representing great American firms. Yet, here we are, standing here to-day with our eyes wide open to the fact that unclean and impure foods are being manufactured and sold to innocent people, and yet we permit them to be sold to Canada, our neighbor, with whom we want reciprocity, at least friendship, peace, and honest commerce.

What will they think of us when they read this bill or our debate in the morning press? Are they not our neighbors?

We would ship this impure food to our mother country, and then go over there and help eat it every year, every summer! We would ship to England simply because Chicago wants it, it is said. Well, Chicago has a great many things that I think Chicago ought not to have, and, possibly, she does not get all she should have. My friend from Illinois [Mr. MANN] says that he speaks for the export trade. The gentleman from New York, who is evidently an exporter, disputes his contention and condemns the policy.

Now, Mr. Chairman, as a matter of public policy should we knowingly permit to go away from our shores an impure food article? This bill says yes. It is not the best advertisement for us as a people or our goods; it is not the best evidence of high morals. Simply because Chicago wants to eat rotten beef and Chicago wants to sell rotten beef or beef put up in some particular way that we say is unhealthy for us is no reason why we should permit this statute to go upon our statute books and put every bit of meat, every bit of food exported and sent from this country under suspicion. But this bill does that very thing.

It does almost literally, and hence, Mr. Chairman, I ask to strike it out and let our English friends and our German friends and our Russian friends and all our friends of all the world see that we will do by them exactly as we do by ourselves—that we eat a clean thing and that we ship a clean thing to them—that we legislate by and live up to the standard erected by the Golden Rule, as individuals and as a republic.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the proviso.

The motion was rejected.

Mr. HEPBURN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole, reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 6295) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, had come to no resolution thereon.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

Senate concurrent resolution No. 29:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,500 copies of the First Annual Report of the Reclamation Service, from June 17 to December 1, 1902, with the accompanying maps, of which 1,000 copies shall be for the use of the Senate and 1,500 copies for the use of the House of Representatives—

to the Committee on Printing.

Senate concurrent resolution No. 33:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 10,000 copies of the Report of the Commission on International Exchange and the appendixes thereto, being House Document No. 144, Fifty-eighth Congress, second session, 2,000 of which shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 4,000 for the use of the Commission on International Exchange—

to the Committee on Printing.

Senate concurrent resolution No. 34:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print from stereotype plates and to bind 2,500 copies of the Second Annual Report of the Reclamation Service, of which 750 copies shall be for the use of the Senate, 1,250 copies for the use of the House of Representatives, 200 copies for the use of the Department of the Interior, and 300 copies for the use of the United States Geological Survey—

to the Committee on Printing.

Senate concurrent resolution No. 35:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, requested to cause a survey to be made for a ship canal extending from a point in the city of Newark, N. J., below the junction of the Pennsylvania and Lehigh Valley railroads, through the Newark Meadows and Newark Bay to New York Bay, said ship canal to have a width of 300 feet and a depth of 35 feet, and to report such survey to Congress, together with an estimate of the cost of the same—

to the Committee on Rivers and Harbors.

S. 1935. An act providing for the holding of an additional court in the northern district of West Virginia, at Martinsburg, W. Va.—to the Committee on the Judiciary.

S. R. 28. Joint resolution authorizing the printing of additional copies of Agricultural Bulletin No. 124, being a report on irrigation in Utah—to the Committee on Printing.

S. 2549. An act granting an increase of pension to Charles W. Jellison—to the Committee on Invalid Pensions.

S. 2576. An act granting an increase of pension to James Redshaw—to the Committee on Invalid Pensions.

S. 2577. An act granting an increase of pension to Albert Marshall—to the Committee on Invalid Pensions.

S. 2612. An act granting a pension to Sarah J. Bellamy—to the Committee on Invalid Pensions.

S. 2642. An act granting an increase of pension to Leonard G. Freeman—to the Committee on Invalid Pensions.

S. 2643. An act granting an increase of pension to Melinda H. Chapman—to the Committee on Invalid Pensions.

S. 2668. An act granting an increase of pension to Alpheus Fawcett—to the Committee on Invalid Pensions.

S. 2712. An act granting an increase of pension to Harriet Billings—to the Committee on Invalid Pensions.

S. 2797. An act granting an increase of pension to Edward A. Cotting—to the Committee on Invalid Pensions.

S. 2809. An act granting an increase of pension to Jesse J. Finley—to the Committee on Pensions.

S. 2947. An act granting an increase of pension to Thomas Bratton—to the Committee on Invalid Pensions.

S. 3166. An act granting an increase of pension to Levi B. Lewis—to the Committee on Invalid Pensions.

S. 2559. An act granting a pension to James Graham—to the Committee on Pensions.

S. 2388. An act to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902—to the Committee on Rivers and Harbors.

S. 1911. An act granting an increase of pension to Ambrose W. Severance—to the Committee on Invalid Pensions.

S. 2858. An act granting an increase of pension to Delia B. Stuart—to the Committee on Invalid Pensions.

S. 1451. An act granting an increase of pension to Eleanor H. Hord—to the Committee on Invalid Pensions.

S. 2548. An act granting an increase of pension to Emma McFarland—to the Committee on Invalid Pensions.

S. 1947. An act granting an increase of pension to Patrick Judge—to the Committee on Invalid Pensions.

S. 1759. An act granting an increase of pension to Charles E. Decker—to the Committee on Invalid Pensions.

S. 486. An act granting a pension to Green B. Yawn—to the Committee on Pensions.

S. 128. An act granting an increase of pension to Clara M. Gihon—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 112. An act granting an increase of pension to Harry G. Hammond;

S. 65. An act granting an increase of pension to Charles R. Allen;

S. 11. An act granting a pension to John L. Sullivan;

S. 8. An act granting an increase of pension to Perry Kittredge;

S. 339. An act granting an increase of pension to Ebenezer H. Richardson;

S. 338. An act granting an increase of pension to Jane M. Watt;

S. 215. An act granting a pension to Mary D. Perry;

S. 172. An act granting an increase of pension to Elizabeth McClaren;

S. 137. An act granting a pension to Hannah Kelley;

S. 1604. An act granting an increase of pension to Mary A. Bishop;

S. 368. An act granting an increase of pension to Charles M. Wilcox;

S. 367. An act granting an increase of pension to George W. Richardson;

S. 1704. An act granting an increase of pension to Lucretia Richart;

S. 1652. An act granting an increase of pension to Minerva A. McMillan;

S. 1772. An act granting an increase of pension to Louise K. Bard;

S. 1756. An act granting an increase of pension to Zebedee M. Cushman;

S. 1755. An act granting an increase of pension to Thomas Banks;

S. 1819. An act granting an increase of pension to Charles P. Skinner;

S. 1832. An act granting an increase of pension to George W. Herron;

S. 1952. An act granting an increase of pension to John Monahan;

S. 1929. An act granting an increase of pension to George W. Spahr;

S. 1913. An act granting an increase of pension to Lorenzo E. Harrison;

S. 1985. An act granting an increase of pension to Jonathan Hiles;

S. 1984. An act granting an increase of pension to Levi Roberts;

S. 7. An act granting an increase of pension to Alfred Woodman;

S. 2078. An act granting an increase of pension to Hampton C. Watson;

S. 6. An act granting a pension to Cora M. Converse;

S. 2125. An act granting an increase of pension to Marcus T. Caswell; and

S. 2218. An act granting an increase of pension to Amanda B. Tisdel.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on the Territories was discharged from the further consideration of the bill (H. R. 6780) authorizing the Union Pioneer Mining and Trading Company to construct and maintain a bridge across the Cantalla Creek, in the district of Alaska, and the same was referred to the Committee on Interstate and Foreign Commerce.

Mr. HEPBURN. I move that the House now take a recess until 11.55 o'clock to-morrow morning.

The question was taken on the motion of Mr. HEPBURN; and on a division (demanded by Mr. BARTLETT) there were—ayes 101, noes 81.

So the motion was agreed to; and accordingly (at 5 o'clock and 25 minutes) the House took a recess until to-morrow at 11.55 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A message from the President, transmitting a petition to aid in preserving the Calaveras groves of big trees, submitted by the Calaveras Big Tree Committee of California and elsewhere, with recommendations for favorable action by Congress.

A message from the President, transmitting a report from the Secretary of State covering copies of additional papers bearing upon the relations of the United States with Colombia and the Republic of Panama.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for diplomatic service of the United States in the Isthmus of Panama—to the Committees on Appropriations and Foreign Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for gun and mortar batteries—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General submitting an estimate of appropriation for deficiency in the pay of letter carriers, rural free delivery—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for naval station at Olongapo, Subic Bay, Philippine Islands—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. L. Crittenden, trustee Mount Holly Baptist Church, Morrisville, Va., *v.* The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and fact in the French spoliation cases relating to the vessel schooner *Polly*, Richard Lakeman, master—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5761) to authorize the Charleroi and Monessen Bridge Company to construct a bridge over the Monongahela River, reported the same with amendment, accompanied by a report (No. 416); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3578) to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County, reported the same with amendment, accompanied by a report (No. 417); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9583) granting

an increase of pension to James H. Hargis, sr., reported the same with amendment, accompanied by a report (No. 389); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7732) granting a pension to Mary Chenowith, reported the same with amendment, accompanied by a report (No. 390); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7447) granting an increase of pension to William Bailey, reported the same with amendment, accompanied by a report (No. 391); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9030) granting a pension to John Daly, reported the same with amendment, accompanied by a report (No. 392); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5555) granting an increase of pension to James R. Hauptley, reported the same with amendment, accompanied by a report (No. 393); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6994) granting an increase of pension to Theresa Nebrich, reported the same with amendment, accompanied by a report (No. 394); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8717) granting a pension to Henry Edwards, reported the same with amendment, accompanied by a report (No. 395); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6426) granting a pension to David J. Beidler, reported the same with amendment, accompanied by a report (No. 396); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5883) granting an increase of pension to David Warentz, reported the same with amendment, accompanied by a report (No. 397); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5865) granting an increase of pension to Joshua Harlan, reported the same without amendment, accompanied by a report (No. 398); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5818) granting an increase of pension to Philip Snow, reported the same with amendment, accompanied by a report (No. 399); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5179) granting a pension to Joseph J. Murray, reported the same without amendment, accompanied by a report (No. 400); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4915) granting an increase of pension to James W. Hibbert, reported the same with amendment, accompanied by a report (No. 401); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5391) granting a pension to James Keleher, reported the same with amendment, accompanied by a report (No. 402); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4759) granting an increase of pension to David P. McDonald, reported the same without amendment, accompanied by a report (No. 403); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4526) granting an increase of pension to William J. Shepherd, reported the same with amendment, accompanied by a report (No. 404); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4136) granting an increase of pension to Caleb Arnett, reported the same with amendment, accompanied by a report (No. 405); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3521) granting an increase of pension to John Hawker, reported the same with amendment, accompanied by a report (No. 406); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3411) granting an increase of pension to William J. Hart, reported the same with amendment, accompanied by a report (No. 407); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3337) granting an increase of pension to Mary A. Craigue, reported the same with amendment, accompanied by a report (No. 408); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3172) granting an increase of pension to Robert E. Pogue, reported the same with amendment, accompanied by a report (No. 409); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2809) granting an increase of pension to John Watt, reported the same with amendment, accompanied by a report (No. 410); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2553) granting an increase of pension to George Wintz, reported the same with amendment, accompanied by a report (No. 411); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1883) granting a pension to Harriet A. Cook, reported the same with amendment, accompanied by a report (No. 412); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1330) granting a pension to Samuel W. Searles, reported the same with amendment, accompanied by a report (No. 413); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 812) granting an increase of pension to Charles F. Emery, reported the same with amendment, accompanied by a report (No. 414); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7079) granting an increase of pension to John J. Fleming, reported the same with amendment, accompanied by a report (No. 415); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 2360) granting an increase of pension to Georganna Parker—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6569) for the relief of William E. Cummin—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 9592) for the relief of William H. Steimann—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FOSTER of Vermont: A bill (H. R. 10412) for the relief of the Creek tribe or nation of Indians—to the Committee on Indian Affairs.

Also, a bill (H. R. 10413) for the relief of the Chickasaw Nation or tribe of Indians—to the Committee on Indian Affairs.

Also, a bill (H. R. 10414) for the relief of the Choctaw Nation or tribe of Indians—to the Committee on Indian Affairs.

By Mr. McGUIRE: A bill (H. R. 10415) ratifying an act of the legislative assembly of the Territory of Oklahoma legalizing the waterworks bond election held by the city of Geary, in said Territory—to the Committee on the Territories.

Also, a bill (H. R. 10416) to provide for the purchase of a site and the erection of a public building thereon at Oklahoma City, Okla.—to the Committee on Public Buildings and Grounds.

By Mr. POWERS of Massachusetts: A bill (H. R. 10417) to prevent cruelty to certain animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURKE: A bill (H. R. 10418) to ratify and amend an

agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. COOPER of Texas: A bill (H. R. 10419) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof—to the Committee on War Claims.

Also, a bill (H. R. 10420) to revive the right of action under the captured and abandoned property acts, and for other purposes—to the Committee on War Claims.

By Mr. BABCOCK: A bill (H. R. 10421) to provide for the removal of snow and ice from the sidewalks of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 10422) to distinctively designate parcels of land in the District of Columbia for the purposes of taxation and assessments, and for other purposes—to the Committee on the District of Columbia.

By Mr. JAMES: A bill (H. R. 10423) relating to the removal of civil cases from the State courts to United State court—to the Committee on the Judiciary.

By Mr. SMITH of Iowa: A bill (H. R. 10424) to provide for the construction of a bridge and approaches thereto across the Missouri River at or near Council Bluffs, Iowa—to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: A bill (H. R. 10425) to restrict the unlimited transfer of merchandise in bonded warehouses—to the Committee on Ways and Means.

By Mr. KINKAID: A bill (H. R. 10426) to amend the homestead laws as to certain unappropriated lands in Nebraska—to the Committee on the Public Lands.

By Mr. BROOKS: A bill (H. R. 10427) to enable the Secretary of Agriculture to conduct experiments in the noncorn-growing States and Territories in the fattening and finishing of cattle for market, and in growing crops and forage plants adapted to these purposes—to the Committee on Agriculture.

By Mr. MILLER: A bill (H. R. 10428) to amend section 1 of an act entitled "An act to repeal war-revenue taxation, and for other purposes," approved April 12, 1902—to the Committee on Ways and Means.

By Mr. WILEY of Alabama: A bill (H. R. 10429) for the erection of a monument to Jeremiah O'Brien—to the Committee on the Library.

By Mr. FOSTER of Vermont: A bill (H. R. 10430) for the relief of the Cherokee Nation of Indians—to the Committee on Indian Affairs.

By Mr. ADAMSON: A bill (H. R. 10431) to further regulate commerce and protect trade and commerce against unlawful restraints and monopolies—to the Committee on Interstate and Foreign Commerce.

By Mr. DANIELS: A bill (H. R. 10432) making appropriations for the removal of the quarantine station at San Diego, Cal., and to acquire a new site, and for other purposes—to the Committee on Naval Affairs.

By Mr. LACEY: A bill (H. R. 10433) authorizing the Commissioner of the General Land Office to quitclaim the title conveyed to the United States for land in forest reservations, under certain conditions—to the Committee on the Public Lands.

By Mr. TOWNSEND: A bill (H. R. 10434) to establish a fish-hatching and fish station in the State of Michigan—to the Committee on the Merchant Marine and Fisheries.

By Mr. MARSHALL: A bill (H. R. 10435) to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane and destitute persons in the district of Alaska, and for other purposes—to the Committee on the Territories.

Also, a bill (H. R. 10436) to amend an act entitled "An act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for said district," approved March 3, 1899—to the Committee on the Territories.

Also, a bill (H. R. 10437) authorizing the city of Nome, a municipal corporation organized and existing under chapter 21, title 3, of an act of Congress approved June 6, 1900, entitled "An act making further provision for a civil government for Alaska, and for other purposes," to construct a free bridge across the Snake River at Nome City, in the Territory of Alaska—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10438) providing for the election of a Delegate to the House of Representatives from the district of Alaska—to the Committee on the Territories.

By Mr. GILLETT of California: A bill (H. R. 10439) to divide the northern judicial district of California into two divisions, and to provide for the holding of terms of the district court therein—to the Committee on the Judiciary.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 10440) to establish a national military park at Guilford battle ground, in North Carolina—to the Committee on Military Affairs.

By Mr. WRIGHT: A bill (H. R. 10441) to regulate the charges for telephone service within the District of Columbia—to the Committee on the District of Columbia.

By Mr. GROSVENOR: A bill (H. R. 10442) to modify an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, and for other purposes—to the Committee on Reform in the Civil Service.

By Mr. CUSHMAN: A bill (H. R. 10443) to set apart certain lands in the State of Washington as a public park, to be known as "The Elk National Park," for the purpose of preserving the elk, game, fish, birds, animals, timber, and curiosities therein—to the Committee on the Public Lands.

By Mr. REID: A bill (H. R. 10444) to provide for the building of extensions and additions to the Federal court and post-office building in the city of Little Rock, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. MARSHALL: A bill (H. R. 10445) to modify and amend an agreement with the Indians of the Devils Lake Reservation, in North Dakota, to accept and ratify the same as amended, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. VAN DUZER: A bill (H. R. 10446) to provide against entering into a contract by any officer or employee of the Government of the United States of America for products of convict labor—to the Committee on Labor.

By Mr. CRUMPACKER: A bill (H. R. 10447) authorizing the establishment of a light-house at Indiana Harbor, in the State of Indiana—to the Committee on Interstate and Foreign Commerce.

By Mr. MAYNARD: A joint resolution (H. J. Res. 81) for survey of the shore line of James River at Jamestown, Va., with a view to protecting, by a sea wall, the site of the first successful English colony in America—to the Committee on the Library.

By Mr. BARTHOLDT: A joint resolution (H. J. Res. 82) to extend the invitation of Congress to the Interparliamentary Union, and making an appropriation for the entertainment of its members—to the Committee on Foreign Affairs.

By Mr. SOUTHARD: A concurrent resolution (H. C. Res. 31) to print 10,000 copies of the coinage laws of the United States—to the Committee on Printing.

Also, a concurrent resolution (H. C. Res. 32) to print 6,000 additional copies of the report of the Director of the Mint on the production of precious metals; also to print 8,000 additional copies of the report of the Director of the Mint covering the operations of the mints and assay officers of the United States—to the Committee on Printing.

By Mr. HULL: A resolution (H. Res. 157) making appropriations for the support of the Army, and for other purposes, and legislation providing for consolidation of the Adjutant-General's Office and the Record and Pension Office—to the Committee on Rules.

By Mr. DALZELL: A resolution (H. Res. 158) to amend the House rules—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BADGER: A bill (H. R. 10448) to remove the charge of desertion against William R. Cassel, and granting him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 10449) to remove the charge of desertion against Peter C. Sawyer—to the Committee on Military Affairs.

Also, a bill (H. R. 10450) correcting the military record of James H. Ackerman and granting his widow, Sarah J., a pension—to the Committee on Military Affairs.

Also, a bill (H. R. 10451) to correct the military record of Carlos H. Cady—to the Committee on Military Affairs.

Also, a bill (H. R. 10452) to amend the military record of William G. Alspach—to the Committee on Military Affairs.

Also, a bill (H. R. 10453) to correct the military record of W. F. Elliott—to the Committee on Military Affairs.

Also, a bill (H. R. 10454) to correct the military record of Charles H. Jessup—to the Committee on Military Affairs.

Also, a bill (H. R. 10455) granting an increase of pension to John A. Naus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10456) granting an increase of pension to Jennie T. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10457) granting an increase of pension to John Hathom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10458) granting an increase of pension to Stephen A. Parsons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10459) granting an increase of pension to George R. Cline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10460) granting an increase of pension to George W. Recob—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10461) granting an increase of pension to Joshua R. Gouldy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10462) granting an increase of pension to Zachariah Heed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10463) granting an increase of pension to Beriville Spangler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10464) granting an increase of pension to William H. Zombro—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10465) granting an increase of pension to Jacob M. Rife—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10466) granting a pension to Emma G. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10467) granting a pension to Lizzie S. Fecker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10468) granting a pension to George Cunningham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10469) granting a pension to James K. Rheinhard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10470) granting a pension to Mary C. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10471) granting a pension to Achsah Barnes—to the Committee on Invalid Pensions.

By Mr. BELL of California: A bill (H. R. 10472) granting a pension to Henry Dority—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10473) granting a pension to J. J. Winkler—to the Committee on Pensions.

Also, a bill (H. R. 10474) granting a pension to Cyrus L. Mobley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10475) granting a pension to Sadie M. Jungerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10476) granting a pension to Charles B. Gallagher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10477) granting an increase of pension to Eugene Stillman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10478) granting an increase of pension to William T. Hayter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10479) granting an increase of pension to Erastus D. Butler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10480) granting an increase of pension to Aaron Bayles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10481) authorizing and directing the Secretary of War to grant an honorable discharge to Henry Wilson—to the Committee on Military Affairs.

Also, a bill (H. R. 10482) authorizing and directing the Secretary of War to review and revoke the sentence of court-martial against John W. Beach, and for other purposes—to the Committee on Military Affairs.

Also, a bill (H. R. 10483) authorizing and directing the Secretary of the Interior to pay George F. Fitzclarence the sum of $100 as soldier's bounty—to the Committee on War Claims.

Also, a bill (H. R. 10484) authorizing and directing the Secretary of War to issue an honorable discharge to P. C. Farrell—to the Committee on Military Affairs.

By Mr. BOWERSOCK: A bill (H. R. 10485) granting an increase of pension to Louisa Kirkham—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 10486) granting an increase of pension to George W. Goolsby—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 10487) granting an increase of pension to Almira Carico—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 10488) granting an increase of pension to Jonathan W. Barber—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 10489) to correct the military record of John H. Ethridge—to the Committee on Military Affairs.

By Mr. CURTIS: A bill (H. R. 10490) granting an increase of pension to John Wurster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10491) granting an increase of pension to John W. Campion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10492) for the relief of Capt. M. R. W. Grebe—to the Committee on Military Affairs.

Also, a bill (H. R. 10493) for the relief of John W. Magann—to the Committee on Claims.

Also, a bill (H. R. 10494) granting a pension to James F. Shell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10495) granting a pension to A. H. Case—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 10496) granting an increase of pension to Lafayette F. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10497) granting an increase of pension to Margaret C. De Cow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10498) to correct the military record of Joseph Van Valkenburgh—to the Committee on Military Affairs.

By Mr. DAVIS of Florida: A bill (H. R. 10499) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as the "Moat," for school purposes—to the Committee on Military Affairs.

Also, a bill (H. R. 10500) making provision for conveying in fee certain public grounds in the city of St. Augustine, Fla., for school purposes—to the Committee on Education and Labor.

By Mr. DAYTON: A bill (H. R. 10501) for the relief of the estate of H. F. Cocke, deceased—to the Committee on War Claims.

By Mr. DEEMER: A bill (H. R. 10502) granting an increase of pension to Abram Young—to the Committee on Invalid Pensions.

By Mr. DICKERMAN: A bill (H. R. 10503) granting a pension to William D. Moyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10504) granting a pension to John F. Hicks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10505) granting a pension to Susan Lukens—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: A bill (H. R. 10506) granting a pension to Charles H. Gardner—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 10507) for the relief of Mary V. Shaw—to the Committee on Claims.

By Mr. DWIGHT: A bill (H. R. 10508) granting an increase of pension to Jennie E. Baldwin—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 10509) to correct the military record of Julius H. Rogge—to the Committee on Military Affairs.

Also, a bill (H. R. 10510) for the relief of S. Steele Finley—to the Committee on Claims.

Also, a bill (H. R. 10511) for the relief of the estate of Mary Keating—to the Committee on Claims.

Also, a bill (H. R. 10512) to remove the charge of desertion from the military record of Patrick English—to the Committee on Military Affairs.

Also, a bill (H. R. 10513) to remove the charge of desertion from the military record of Peter Tansy—to the Committee on Military Affairs.

Also, a bill (H. R. 10514) to remove the charge of desertion from the military record of Edward Wall—to the Committee on Military Affairs.

By Mr. GILLETT of Massachusetts: A bill (H. R. 10515) to authorize the President of the United States to appoint Wilson B. Strong captain and quartermaster in the Army—to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 10516) for the relief of Edward J. Farrell—to the Committee on the Public Lands.

By Mr. GRIFFITH: A bill (H. R. 10517) granting an increase of pension to James Scrogum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10518) granting an increase of pension to James Moody—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10519) granting a pension to John H. Wilson—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 10520) to correct the military record of William S. Laney—to the Committee on Military Affairs.

By Mr. HAMLIN: A bill (H. R. 10521) for the relief of Central College, at Fayette, Mo.—to the Committee on War Claims.

Also, a bill (H. R. 10522) granting a pension to Mary Brady—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 10523) granting a pension to Edson H. Crawford—to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 10524) granting an increase of pension to Fountleroy B. Florence—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 10525) granting a pension to Ulysses Rhoads—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 10526) granting an increase of pension to Elizabeth Howard—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 10527) granting an increase of pension to Barzillar P. Irons—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 10528) for the relief of George C. Ellison—to the Committee on Claims.

Also, a bill (H. R. 10529) for the relief of George F. Fuller—to the Committee on Claims.

By Mr. JAMES: A bill (H. R. 10530) for the relief of the estate of John M. Higgins, deceased—to the Committee on War Claims.

By Mr. JONES of Washington: A bill (H. R. 10531) granting a pension to George W. Farr—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 10532) for the relief of Emma F. Everman—to the Committee on War Claims.

By Mr. KENNEDY: A bill (H. R. 10533) for the relief of Capt. E. P. Brewer—to the Committee on War Claims.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 10534) granting a pension to William Rommel—to the Committee on Invalid Pensions.

By Mr. KNOPF: A bill (H. R. 10535) to correct the military record of Thomas O. Wool—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 10536) granting an increase of pension to Charles W. Derby—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 10537) to remove the charge of desertion from the military record of Richard H. Welch—to the Committee on Military Affairs.

Also, a bill (H. R. 10538) removing charge of desertion from military record of Charles Branstetter—to the Committee on Military Affairs.

Also, a bill (H. R. 10539) granting an increase of pension to Ray Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10540) granting an increase of pension to M. V. B. Amos—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10541) to correct the military record of V. B. Gatewood—to the Committee on Military Affairs.

Also, a bill (H. R. 10542) to correct the military record of Robert W. Marr—to the Committee on Military Affairs.

Also, a bill (H. R. 10543) granting a pension to John J. Kern—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10544) granting an increase of pension to H. H. Rhoads—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 10545) for the relief of the firm of McNaught, Ormond & Co.—to the Committee on War Claims.

By Mr. LLOYD: A bill (H. R. 10546) for the relief of the Methodist Episcopal Church at Macon, Mo.—to the Committee on War Claims.

By Mr. MAYNARD: A bill (H. R. 10547) appropriating the sum of $3,000 to reimburse A. O. Tucker, of Elizabeth City County, Va., for property taken and destroyed by enlisted soldiers serving in the Army of the United States on August 21, 1898—to the Committee on War Claims.

By Mr. METCALF: A bill (H. R. 10548) granting an increase of pension to Hiram M. Van Arman—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 10549) granting an increase of pension to John W. Kerwin—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 10550) granting a pension to Elizabeth Clampitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10551) granting a pension to Thomas F. Walter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10552) granting an increase of pension to Mary Douglas—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 10553) for the relief of E. P. Gibson—to the Committee on Military Affairs.

By Mr. MURDOCK: A bill (H. R. 10554) granting an increase of pension to John McGregor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10555) granting an increase of pension to William L. Gerard—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 10556) granting an increase of pension to William M. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10557) granting an increase of pension to Edwin J. Walton—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 10558) referring the claim of Hannah S. Crane and others to the Court of Claims—to the Committee on Claims.

By Mr. PATTERSON of Tennessee: A bill (H. R. 10559) for the relief of James Boro, of Memphis, Tenn.; Mary Boro, of Natchez, Miss., and the estate of James Boro, deceased, late of Memphis, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10560) for the relief of the Germantown Baptist Church, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10561) to carry into effect the findings of the Court of Claims in the case of Amos Woodruff, president of the Overton Hotel Company—to the Committee on War Claims.

Also, a bill (H. R. 10562) to carry into effect the findings of the Court of Claims in the matter of claim of Abner D. Lewis—to the Committee on War Claims.

Also, a bill (H. R. 10563) to carry into effect the findings of the Court of Claims in the matter of the claim of Emma R. Bailey, executrix of John J. Bailey, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10564) to carry into effect the findings of the Court of Claims in the matter of the claim of A. A. Wade, administrator of estate of S. L. Carpenter, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10565) to carry into effect the findings of the Court of Claims in the matter of the claim of Robert C. Jameson, administrator of estate of David Jameson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10566) to carry into effect the findings of the Court of Claims in the matter of the claim of estate of J. J. Todd, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10567) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Elizabeth Burke, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10568) for the relief of Lottie Bowman—to the Committee on War Claims.

Also, a bill (H. R. 10569) for the relief of Lottie Bowman—to the Committee on War Claims.

Also, a bill (H. R. 10570) for the relief of Lottie Bowman—to the Committee on Claims.

Also, a bill (H. R. 10571) for the relief of T. F. Crawford—to the Committee on War Claims.

By Mr. REID: A bill (H. R. 10572) for the relief of John C. Ray, assignee of John Gafford, of Arkansas—to the Committee on Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 10573) for the relief of the estate of Enoch R. Kennedy and Leonora J. Kennedy, deceased, late of Lauderdale County, Ala., formerly of East Feliciana Parish, La.—to the Committee on War Claims.

By Mr. SCOTT: A bill (H. R. 10574) granting an increase of pension to Thurlow Weed Lieurance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10575) granting an increase of pension to P. S. Lynn—to the Committee on Invalid Pensions.

By Mr. SHIRAS: A bill (H. R. 10576) granting a pension to Lulu E. McKee—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 10577) for the relief of Julius E. Mügge—to the Committee on Claims.

By Mr. SNAPP: A bill (H. R. 10578) granting an increase of pension to Robert B. Graves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10579) granting an increase of pension to Jacob Dodd—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 10580) granting an increase of pension to Joseph Longberry—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 10581) for the relief of James A. Jackson—to the Committee on War Claims.

By Mr. SPIGHT: A bill (H. R. 10582) for the relief of the heirs of Mrs. Charity Clements, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10583) for the relief of the heirs of Johnathan Davis—to the Committee on War Claims.

Also, a bill (H. R. 10584) for the relief of the administratrix of John H. Record, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10585) for the relief of the vestry of Christ Episcopal Church, of Holly Springs, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10586) for the relief of the estate of Jacob Joiner, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10587) for the relief of Jordan Broadway—to the Committee on War Claims.

Also, a bill (H. R. 10588) for the relief of the heirs of W. E. Tomlinson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10589) for the relief of the heirs of William M. Kimmons, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10590) for the relief of the heirs of Samuel Scott, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10591) for the relief of the heirs of John Parham, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10592) for the relief of the heirs of John P. Caruthers—to the Committee on War Claims.

Also, a bill (H. R. 10593) for the relief of the heirs of J. B. Fuller, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10594) for the relief of Charles O. Spencer—to the Committee on War Claims.

Also, a bill (H. R. 10595) for the relief of Margaret Raiford Loftin, administrator of the estate of Robert Raiford, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10596) for the relief of the heirs of Hardin P. Franklin, deceased, late of Marshall County, Miss.—to the Committee on War Claims.

By Mr. STANLEY: A bill (H. R. 10597) for the relief of Frank W. Clark—to the Committee on War Claims.

By Mr. TATE: A bill (H. R. 10598) for the relief of Canton Lodge, No. 77, of Free and Accepted Masons, of Canton, Ga.—to the Committee on War Claims.

By Mr. TOWNSEND: A bill (H. R. 10599) correcting the military record of Martin Barley—to the Committee on Military Affairs.

Also, a bill (H. R. 10600) to restore to the pension roll James Scovey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10601) to grant an honorable discharge to Eph B. Cooper—to the Committee on Military Affairs.

Also, a bill (H. R. 10602) to pay and reimburse John F. Milich—to the Committee on Claims.

Also, a bill (H. R. 10603) granting an increase of pension to Stephen Newton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10604) granting an increase of pension to William H. Stoddard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10605) granting an increase of pension to James Dayton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10606) for the relief of Arra M. Farnsworth—to the Committee on Claims.

Also, a bill (H. R. 10607) for the relief of James I. Mabee—to the Committee on Claims.

Also, a bill (H. R. 10608) for the relief of Peter Mommie—to the Committee on Claims.

Also, a bill (H. R. 10609) granting relief to James L. Carpenter—to the Committee on Claims.

Also, a bill (H. R. 10610) granting relief to Edwin A. Wells—to the Committee on Claims.

Also, a bill (H. R. 10611) granting relief to Guy M. Claflin—to the Committee on Claims.

Also, a bill (H. R. 10612) for the relief of Myron C. Bond—to the Committee on Claims.

Also, a bill (H. R. 10613) for the relief of the heirs of John Smith—to the Committee on Claims.

Also, a bill (H. R. 10614) granting relief to certain members of the Seventh Michigan Cavalry, war of the rebellion—to the Committee on Claims.

Also, a bill (H. R. 10615) for the relief of James Scovey—to the Committee on Claims.

Also, a bill (H. R. 10616) for the relief of Joshua P. Talford—to the Committee on Claims.

Also, a bill (H. R. 10617) for the relief of Peter Fisher—to the Committee on War Claims.

Also, a bill (H. R. 10618) granting relief to Anna Wendell Miller—to the Committee on the Public Lands.

Also, a bill (H. R. 10619) for the relief of Herman B. Robb—to the Committee on War Claims.

Also, a bill (H. R. 10620) granting relief to George C. Lull—to the Committee on War Claims.

Also, a bill (H. R. 10621) granting relief to William H. Rogers—to the Committee on Claims.

Also, a bill (H. R. 10622) granting a pension to John M. Cheevers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10623) granting a pension to James Hummel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10624) granting a pension to Jerusha M. Crane—to the Committee on Pensions.

Also, a bill (H. R. 10625) granting a pension to Amelia B. Gifford—to the Committee on Pensions.

Also, a bill (H. R. 10626) granting a pension to Mary J. Conant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10627) granting a pension to Naomi Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10628) granting a pension to Mary C. Rapp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10629) granting an increase of pension to James McIntyre—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10630) granting a pension to Sarah M. A. Barber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10631) granting a pension to Elizabeth Epke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10632) granting a pension to Catherine M. Rogers—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 10633) for the relief of D. W. Price—to the Committee on Claims.

By Mr. WACHTER: A bill (H. R. 10634) for the relief of Julia Nolan—to the Committee on War Claims.

By Mr. WATSON: A bill (H. R. 10635) granting an increase of pension to James M. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10636) granting a pension to Sarah E. McCormack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10637) granting an increase of pension to John W. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10638) granting an increase of pension to August Smith—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 10639) granting an increase of pension to Benjamin F. Heald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10640) granting an increase of pension to Horace E. Wood—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 10641) granting an increase of pension to Valentine Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10642) granting an increase of pension to Garrett Stanley—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 10643) granting an increase of pension to James F. Belcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10644) granting an increase of pension to James M. Graham—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 10645) granting a pension to Rachel J. Swiger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10646) granting a pension to John Kirkman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10647) for the relief of Maramon A. Martin, late private of Company A, Sixth Regiment of West Virginia Volunteer Infantry—to the Committee on Military Affairs.

By Mr. SHOBER: A bill (H. R. 10648) granting an increase of pension to Agnes Shearer—to the Committee on Invalid Pensions.

By Mr. WADE: A bill (H. R. 10649) granting a pension to Lucius Harrington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10650) granting an honorable discharge to James B. Mulford—to the Committee on Military Affairs.

By Mr. WILEY of New Jersey: A bill (H. R. 10651) granting a pension to Katherine M. Laurence—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolutions of Good Roads Association of Marinette County, Wis., praying for legislation affecting rates of freight charges in interstate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Major Lee Post, No. 277, Grand Army of the Republic, of Rossville, Ill., favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

Also, memorial of Grace Methodist Episcopal Church, of Neoga, Ill., favoring the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, memorial of the Denver commercial bodies, praying for the erection of a new Federal building—to the Committee on Public Buildings and Grounds.

Also, memorial of F. M. Allen and 190 other citizens of Lithonia, Ga., praying for legislation limiting the power of injunction as exercised by the courts in labor disputes—to the Committee on the Judiciary.

Also, memorial of J. H. McClellan and 192 other citizens of Lithonia, Ga., praying for the enactment of an eight-hour law—to the Committee on Labor.

By Mr. ADAMS of Pennsylvania: Resolution of the Philadelphia Division, No. 102, Order of Railroad Telegraphers, relative to an eight-hour law and anti-injunction bill—to the Committee on Labor.

Also, resolution of the Manufacturers' Club of Philadelphia, relative to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Commercial Exchange of Philadelphia, relative to the inspection of grain by the Government—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: Papers to accompany bill H. R. 10026, granting a pension to Clarissa Seymour; papers to accompany bill H. R. 7878, granting an increase of pension to Richard Jones; papers to accompany bill H. R. 8709, granting an increase of pension to James A. Porter, and resolutions of John McDermott Post, No. 101, Grand Army of the Republic, of Boscobel, Wis., favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: Resolutions of James Browne Post, No. 222, of Cedar Falls, Iowa; Fairbank Post, No. 367, of Fairbank, Iowa; Bent Post, No. 489, of Sumner, Iowa, and Charles Payne Post, No. 141, of Iowa Falls, Iowa, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: Resolution of the Merchants and Manufacturers' Association of Baltimore, relative to deepening main ship channel—to the Committee on Rivers and Harbors.

Also, memorial of the Commercial Club of Topeka, Kans., relative to merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Kansas State Grange, relative to increasing powers of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKETT: Papers to accompany bill H. R. 6520, granting a pension to T. A. Wilson—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: Petition of Dilworthtown Woman's Christian Temperance Union, Chester County, Pa., relative to the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. CALDWELL: Resolutions of Luke Mayfield Post, No. 516, of Girard, Ill.; N. B. Buford Post, No. 246, of Piasa, Ill.; J. Vlerebome Post, No. 613, of Buffalo, Ill.; Mother Bickerdike Post, No. 402, of Edenburg, Ill., and Stephenson Post, No. 30, of Springfield, Ill., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the Grain Dealers' National Association, relative to the inspection of grain by the Government—to the Committee on Interstate and Foreign Commerce.

By Mr. CAMPBELL: Resolution of the Merchants and Manufacturers' Association of Baltimore, relative to deepening main ship channel—to the Committee on Rivers and Harbors.

Also, resolution of the Ministerial Association of Pittsburg, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of citizens of La Fontaine, Kans., against passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Arkansas City, Kans., in favor of House bill to prevent discrimination on railroad by common carriers, etc.—to the Committee on Railways and Canals.

Also, resolution of the National Encampment of the Grand Army of the Republic, relative to a service-pension bill—to the Committee on Invalid Pensions.

By Mr. CLAYTON: Petition of B. F. Powell and others, relative to parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMPACKER: Petition of Walters Post, No. 229, of Hebron, Ind.; Elliott Post, No. 160, of Dayton, Ind.; Martin Post, No. 216, of Westville, Ind., and Champman Hill Post, No. 171, of Indiana, Grand Army of the Republic: and members of National Military Home, Virginia, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Lafayette, Ind., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of citizens of Lafayette, Ind., against parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Lafayette, Ind., against sale of liquor in Soldiers' Homes and Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. CURTIS: Petitions of all of the churches of Horton, Kans., and of the Law and Order League of Horton, Kans., for the passage of the Hepburn interstate liquor act—to the Committee on the Judiciary.

By Mr. DARRAGH: Papers to accompany bill H. R. 9355, granting an increase of pension to Byron Drake—to the Committee on Invalid Pensions.

Also, resolutions of R. H. Gibson Post, No. 448; Tom Custer Post, No. 178; Ralph Ely Post, No. 150; Stevens Post, No. 66; Montcalm Post, No. 176, and William B. Stewart Post, No. 324, Grand Army of the Republic, Department of Michigan, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Papers to accompany bill H. R. 10205, for the relief of James G. Carmack—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 10039, granting a pension to Margaret C. Hecker—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 10038, granting a pension to D. W. Snider—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 10037, granting a pension to Joe B. Daniel—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 10036, granting an increase of pension to Richard M. Ogle—to the Committee on Invalid Pensions.

By Mr. DINSMORE: Petition of George W. Glenn, of Company E, First Arkansas Infantry, to remove charge of desertion presented against him—to the Committee on Military Affairs.

By Mr. DRAPER: Resolution of the Merchants and Manufacturers' Association of Baltimore, relative to deepening the main ship channel—to the Committee on Rivers and Harbors.

Also, petition of the Commercial Club of Topeka, Kans., relative to merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. ESCH: Petitions of Chequamegon Council, No. 245, of Ashland, Wis., and Sparta Council, No. 223, of Sparta, Wis. United States Commercial Travelers, urging an amendment to section 64 of the bankruptcy act—to the Committee on the Judiciary.

Also, memorial of the Denver commercial bodies, praying for the erection of a new Federal building—to the Committee on Public Buildings and Grounds.

By Mr. FITZGERALD: Resolution of the Merchants and Manufacturers' Association of Baltimore, relative to deepening main ship channel—to the Committee on Rivers and Harbors.

By Mr. FULLER: Petition of citizens of Dekalb, Ill., in opposition to the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. H. Bliss, of Chicago, Ill., favoring pensions for military telegraph operators—to the Committee on Invalid Pensions.

Also, resolutions of G. L. Nevins Post, No. 1, Grand Army of the Republic, of Rockford, Ill., favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. GIBSON: Petition of Mrs. L. E. Coopwood, praying reference of claim to Court of Claims—to the Committee on War Claims.

Also, petition of Robert C. Jameson, administrator, praying reference of claim to Court of Claims—to the Committee on War Claims.

Also, petition of A. Lafayette Prater, praying reference of claim to Court of Claims—to the Committee on War Claims.

By Mr. GILLET of New York: Paper to accompany bill for the relief of Andrew Keefa—to the Committee on Naval Affairs.

By Mr. GRIFFITH: Paper to accompany bill granting an increase of pension to Jacob Brandmier—to the Committee on Invalid Pensions.

Also, paper to accompany bill providing for a public building at Columbus, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. GROSVENOR: Papers to accompany bill for the relief of William S. Laney—to the Committee on Military Affairs.

By Mr. HAMILTON: Resolution of W. G. Eaton Post, No. 34, Grand Army of the Republic, Otsego, Mich., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of Elliott Post, No. 115, of White Pigeon, Mich.; Sterling Post, No. 74, of Bradley, Mich., and Fitzgerald Post, No. 125, of Hastings, Mich., Grand Army of the Republic, relative to a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HAMLIN: Paper to accompany bill (H. R. 7393) granting a pension to Gevert Schutte—to the Committee on Invalid Pensions.

By Mr. HARDWICK: Affidavits of Edson H. Crawford, of Muskogee, Ind. T., for an increase of pension—to the Committee on Invalid Pensions.

By Mr. HERMANN: Resolution of the Astoria Chamber of Commerce, relative to the Lewis and Clark Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. HINSHAW: Petition of business men and merchants of Hebron, Nebr., in opposition to the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Resolutions of Alpheus Clark Post, No. 118, of Morrison, Ill.; George Kreidler Post, No. 575, of Milledgeville, Ill., and John Muster Post, No. 365, of Orangeville, Ill., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of the Village Improvement Association of Cranford, N. J., in favor of pure-food legislation—to the Committee on Agriculture.

By Mr. HUFF: Memorial of Upper Mississippi River Improvement Association, for permanent Federal improvements of upper Mississippi River—to the Committee on Rivers and Harbors.

Also, resolutions of Philadelphia Division, No. 102, Order of Railroad Telegraphers, for more favorable legislation for telegraphers in the Army—to the Committee on Military Affairs.

By Mr. HUGHES: Affidavit of George F. Fuller, praying for the payment of a claim—to the Committee on Pensions.

By Mr. HULL: Resolution of Colonel Mills Post, No. 45, of Adel, Iowa, and Marshall Post, No. 43, of Redfield, Iowa, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. KNAPP: Papers to accompany bill for relief of Thomas O. Wool—to the Committee on Military Affairs.

By Mr. LACEY: Resolution of the Santa Fe Board of Trade, relative to the establishment of a national park to include the cliff dwellings—to the Committee on Military Affairs.

Also, resolution of the New York Zoological Society, relative to the preservation of the big trees of California—to the Committee on Agriculture.

Also, letter of Hugh H. Henry, national commander of the Army and Navy Union, in favor of H. J. Res. 6 and bills H. R. 3586 and 6482—to the Committee on Military Affairs.

Also, resolution of Robert F. Lowe Post, No. 167, Grand Army of the Republic, Department of Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Charles W. Derby—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: Resolution of Brown Post, No. 84, of Bethel, Me., favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. McCLEARY of Minnesota: Petition of Jansen & Hansen and other merchants of Springfield, Minn., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of H. H. Edwards Post, No. 135, and John A. Dix Post, No. 96, Grand Army of the Republic, Department of Minnesota, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. McCARTHY: Resolution of the Fremont Commercial Club, of Fremont, Nebr., relative to the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. McMORRAN: Resolution of William Sanborn Post, No. 98, Grand Army of the Republic, Port Huron, Mich., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Papers to accompany bill H. R. 1064, for relief of Solomon Bell—to the Committee on Military Affairs.

By Mr. MURDOCK: Petition of citizens of Rice County, Kans., relating to the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Western Retail Implement Dealers' Association, against certain features of Senate bill 1261—to the Committee on the Post-Office and Post-Roads.

Also, petition of members of the First Presbyterian Church of Newton, Kans., praying for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of citizens of McPherson, Kans., in favor of the passage of the McCumber bill—to the Committee on Alcoholic Liquor Traffic.

Also, petitions of citizens of Ellinwood, Kans.; of the Southwestern Kansas and Oklahoma Implement and Hardware Dealers' Association; of the Wichita (Kans.) Wholesale and Retail Merchants' Association, and of citizens of St. John, Kans., against passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Thomas Brennan Post, No. 380, Grand Army of the Republic, National Military Home, Leavenworth, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. PRINCE: Resolutions of L. P. Blair Post, No. 634, of Fairview, Ill.; Colonel Horney Post, No. 131, of Rushville, Ill., Thomas Layton Post, No. 621, of Lewistown, Ill., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the Retail Merchants' Association of Quincy, Ill., against parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Tri-City Lodge, No. 617, Brotherhood of Railway Trainmen, relating to bills H. R. 7041 and 89—to the Committee on the Judiciary.

By Mr. RIDER: Resolution of the Philadelphia Maritime Exchange, relative to arbitration treaties between United States and foreign countries—to the Committee on Foreign Affairs.

Also, resolution of the New York Produce Exchange, relative to the inspection of grain by the Government at terminal markets—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Merchants and Manufacturers' Association of Baltimore, relative to deepening the main ship channel—to the Committee on Rivers and Harbors.

Also, resolution of the New York Produce Exchange, in favor of deepening the channel of Harlem (Bronx) Kills—to the Committee on Rivers and Harbors.

By Mr. ROBINSON of Indiana: Petition of O. C. Himes and others, of La Otto, Ind., in opposition to the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RUPPERT: Paper to accompany bill providing for a public building at Denver—to the Committee on Public Buildings and Grounds.

By Mr. SHULL: Papers to accompany bill for the relief of John Conway—to the Committee on Military Affairs.

By Mr. SIBLEY: Petition of citizens of Mercer County, Pa., asking for reforms in the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SNOOK: Papers to accompany bill granting an increase of pension to Joseph Longberry—to the Committee on Invalid Pensions.

Also, resolutions of Walter A. Slaughter Post, No. 568, of Edgerton, Ohio, and of Choat Post, No. 66, of Napoleon, Ohio, Grand Army of the Republic, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. SPIGHT: Papers to accompany bill for the relief of the heirs of Hardin P. Franklin, deceased—to the Committee on Claims.

By Mr. SULLIVAN of New York: Petition of the Outdoor Art League of San Francisco, relative to the big trees of California—to the Committee on Agriculture.

Also, resolution of the New York Board of Trade and Transportation, against repeal of the national bankruptcy law—to the Committee on the Judiciary.

Also, resolution of the Merchants and Manufacturers' Association of Baltimore, relative to deepening the main ship channel—to the Committee on Rivers and Harbors.

By Mr. SULZER: Memorials of the Denver Chamber of Commerce and Commercial Club and the Denver Real Estate and Stock Exchange, relative to the purchase of a site and the erection of a public building—to the Committee on Public Buildings and Grounds.

By Mr. TATE: Paper to accompany bill for the relief of Canton Lodge, No. 77, Free and Accepted Masons, of Canton, Ga.—to the Committee on War Claims.

By Mr. THOMAS of Iowa: Paper to accompany bill H. R. 2846, to correct military record of Charles G. Chamberlain—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 1902, granting an increase of pension to Clark Robinson—to the Committee on Invalid Pensions.

By Mr. TIRRELL: Papers to accompany bill H. R. 1909, relative to relinquishment of a strip of land—to the Committee on Military Affairs.

By Mr. TOWNSEND: Resolutions of Woodbury Post, No. 45; George J. Leighton Post, No. 321, and Welch Post, No. 137, Grand Army of the Republic, Department of Michigan, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. WACHTER: Resolution of the Merchants and Manufacturers' Association of Baltimore, relative to deepening the main ship channel—to the Committee on Rivers and Harbors.

Also, petition of John J. Cornell and others, of Baltimore, relative to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WEEMS: Papers to accompany bill H. R. 8420, granting an increase of pension to John Patton—to the Committee on Invalid Pensions.

By Mr. WEISSE: Resolutions of Ben Sheldon Post, No. 136, of Brandon, Wis.; Andrew J. Fullerton Post, No. 193, of West Bend, Wis., and Hans C. Heg Post, No. 114, of Waupum, Wis., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. WILEY of New Jersey: Resolution of Phil Kearny Post, No. 1, Grand Army of the Republic, of Newark, N. J., in favor of a service-pension bill—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *January 20, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

THE DAWES COMMISSION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in accordance with the request from the Commission to the Five Civilized Tribes, a memorial of members of the Dawes Commission to the Senate of the United States of America, together with a copy of the Commission's letter of transmittal; which, with the accompanying papers, was referred to the Select Committee on the Five Civilized Tribes of Indians, and ordered to be printed.

VESSEL BRIG WILLIAM.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *William*, Thomas Farnham, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ISAAC G. MOALE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Isaac G. Moale, administrator of William N. Watmough, deceased, *v.* The United States; which, with the accom-